

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
AND
THE DEPARTMENT OF ENERGY
OAK RIDGE OFFICE OF ENVIRONMENTAL MANAGEMENT
ON
AN ENVIRONMENTAL REVIEW RELATED TO THE SUBMISSION BY ORANO
ENRICHMENT USA, LLC OF A LICENSE APPLICATION TO CONSTRUCT AND OPERATE
A URANIUM ENRICHMENT FACILITY IN ROANE COUNTY, TENNESSEE

The U.S. Nuclear Regulatory Commission (NRC) and the U.S. Department of Energy (DOE), as parties to this Memorandum of Understanding (MOU), hereby acknowledge and declare as follows:

I. Introduction

The NRC and DOE developed this MOU to establish DOE's cooperating agency relationship for the purpose of efficiently coordinating environmental reviews relating to an application from Orano Enrichment USA, LLC (Orano) for an NRC license to construct and operate a uranium enrichment facility in Roane County, Tennessee. The cooperating agency relationship memorialized in this MOU is authorized by and consistent with the National Environmental Policy Act of 1969, as amended (NEPA), and will be governed by all applicable statutes, regulations, and policy.

II. Background and Purpose

The NRC licenses the construction and operation of uranium enrichment facilities pursuant to Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 *et seq.*) (AEA) and NRC regulations in Title 10 of the *Code of Federal Regulations* (10 CFR).

Orano has submitted an environmental report to the NRC (Agencywide Documents Access and Management System Package Accession No. ML26030A236) and expects to submit the safety and safeguards portion of its license application in March 2026. If and when the NRC has received the complete license application and accepted it for review, the agency will proceed with developing an environmental impact statement (EIS) for the proposed licensing action, as required by AEA § 193a. (42 U.S.C. § 2243(a)) and 10 CFR 51.20(b)(10).

NEPA authorizes the lead agency with respect to a proposed agency action to designate a Federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal to serve as a cooperating agency (NEPA § 107(a)(3) (42 U.S.C. § 4336a(a)(3))). Under this authority, the NRC has agreed to designate

DOE as a cooperating agency, as requested, based on DOE's prior ownership of the relevant property in Roane County and DOE's continuing authority over whether to modify the property deed to allow construction and operation of an enrichment facility. The NRC will serve as the lead agency under NEPA.¹

Accordingly, the purposes of this MOU are:

- A. To designate the NRC as the lead agency in the NEPA process.
- B. To designate DOE as a cooperating agency in the NEPA process.
- C. To provide a framework for cooperation and coordination between the NRC and DOE that will aid in the successful completion of the EIS in a timely, efficient, and thorough manner.
- D. To describe the respective roles and responsibilities of DOE and the NRC in the NEPA process, including the development of the EIS.

III. Authority

The authorities for the NRC to enter into and engage in the activities described within this MOU include: NEPA (42 U.S.C. § 4321 *et seq.*); the AEA (42 U.S.C. § 2011 *et seq.*); and the NRC regulations implementing NEPA at 10 CFR 51.

The authorities for DOE to enter into and engage in the activities described within this MOU include: NEPA (42 U.S.C. § 4321 *et seq.*); the AEA (42 U.S.C. § 2011 *et seq.*); and the Department of Energy Organization Act, as amended (42 U.S.C. § 7101 *et seq.*, DOE NEPA Implementing Procedures (February 2026)).

IV. Roles and Responsibilities

- A. NRC's responsibilities as lead agency under NEPA:
 - 1. Develop a schedule for the environmental review, in consultation with DOE and other stakeholders. Attachment A contains timeframes for DOE inputs, which will be reflected in the schedule developed by the NRC.
 - 2. Request relevant information and comments from DOE and prepare the EIS. The NRC's responsibilities include identifying the purpose of and need for the proposed action, selecting alternatives for analysis, determining effects of the alternatives including the proposed action, evaluating appropriate mitigation measures, and making a recommendation on the proposed action. The NRC will request and consider comments from DOE on working drafts of the draft EIS, proposed responses to public comments on the draft EIS, and the final EIS.
 - 3. Issue its own Record of Decision.

¹ This MOU does not encompass the agencies' coordination or implementation of their respective responsibilities under Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (54 U.S.C. § 306108) or Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1536). Nevertheless, the agencies note that they have agreed to designate DOE as the lead agency, pursuant to Title 50 of the *Code of Federal Regulations* Section 402.07, through which both agencies' responsibilities for consultation and conference with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act will be fulfilled in connection with the potential agency actions referenced in this MOU.

4. Fund its own expenses and costs associated with participating in the NEPA process.
- B. DOE's responsibilities as a cooperating agency under NEPA:
1. Provide relevant information and comments for consideration by the NRC during the NEPA process, including while developing the schedule and preparing the EIS. This includes comments on working drafts of the draft EIS, proposed responses to public comments on the draft EIS, and the final EIS.
 2. Issue its own Record of Decision.
 3. Fund its own expenses and costs associated with participating in the NEPA process.

V. Other Provisions

- A. Resolution of Disagreements. The agencies agree to participate in the process and activities encompassed by this MOU in good faith and make reasonable efforts to reach mutually agreeable resolutions of any disagreements.
- B. Responsibility For Decision Making. The NRC reserves the right to make a final decision on any matter within the NRC's regulatory authority. DOE may decide that the EIS should include alternate content or supplementary content that the NRC has determined is not necessary to fulfill the NRC's obligations under NEPA. The NRC will not be responsible for preparing those aspects of the EIS.
- C. Compliance With Review Schedule. The agencies agree to comply with the review schedule developed by the NRC in consultation with DOE and other stakeholders. If either agency determines that an action might not or will not be completed in accordance with that review schedule, it will notify the other agency of that assessment as soon as practicable, and the agencies will seek a mutually agreeable solution. If a DOE input is delayed, and a mutually agreeable solution is not identified, the NRC reserves the right to proceed in accordance with the review schedule.
- D. Authorities Not Altered. Nothing in this MOU alters, limits, or supersedes the authorities, responsibilities, and independence of either agency on any matter within their respective jurisdictions. Nothing in this MOU authorizes or requires either agency to perform beyond its authority. The activities contemplated in this MOU will be implemented consistent with, and only to the extent permitted by, applicable law.
- E. Participation Subject to Availability of Resources and Funds. While this MOU memorializes the agencies' intent to coordinate and carry out the described activities, implementation of those activities will necessarily be subject to the availability of resources and funds, and each agency has discretion to decide whether to participate (fully or partially) or decline to participate based on resources or other constraints. This MOU does not obligate funds, and nothing in this MOU is intended or will be construed to require either agency to expend any sum or incur any obligation in excess or in advance of available appropriations

- F. Management of Information. DOE acknowledges that all information provided to the NRC will become part of the NRC's official record and will be available for public review in accordance with 10 CFR 2.390, except that the NRC may withhold information from the public that is exempt from disclosure under the Freedom of Information Act (FOIA) and other applicable statutory authorities.

Subject to the FOIA, DOE agrees that internal working draft documents for the development of the EIS will not be disclosed or made available for review by individuals or entities other than the NRC and DOE.

All confidential, proprietary, Controlled Unclassified Information, Sensitive Unclassified Non-Safeguards Information, and other protected information under NRC regulations will be labeled according to requirements in 10 CFR 2.390. The NRC and DOE shall ensure that shared information, including information concerning the precise location and nature of historic properties and properties of religious and cultural significance, are protected from public disclosure to the greatest extent permitted by law, including conformance to section 304 of the NHPA, as amended, and Section 9 of the Archaeological Resources Protection Act.

The NRC and DOE agree that in order to allow full and frank discussion of preliminary analysis and recommendations, meetings to review pre-decisional and deliberative documents will not be open to the public.

- G. MOU Limitations. This MOU is not intended and will not be construed to create any right or benefit, substantive or procedural, enforceable at law or in equity by any person or party against the United States, its agencies, its officers or employees, or any other person.
- H. Retention of Rights. Cooperating agency status for the EIS does not preclude DOE from participating in the NEPA process according to the provisions in 10 CFR 51.

VI. Agency Representatives

Each agency will designate a representative to ensure coordination between the DOE and the NRC during the NEPA process. The initial designated representatives are listed below, and the agencies will notify each other in writing of any change in designation.

NRC Representative:
Stacey Imboden, Senior Project Manager
Stacey.Imboden@nrc.gov
301-415-2462

DOE Representative:
Leah Alexander, NEPA Specialist
Leah.Alexander@orem.doe.gov
865-839-8752


VII. Administration of the MOU

- A. Approval. This MOU becomes effective upon signature by the authorized officials of the agencies.
- B. Amendment. This MOU may be amended through written agreement of the agencies.
- C. Termination. If not terminated earlier, this MOU will end when the final EIS is issued by the NRC. Either agency may end its participation in this MOU by providing written notice to the other agency.

VIII. Signatories

The agencies have executed this MOU on the dates shown below.

KIMYATA SAVOY

 Digitally signed by KIMYATA SAVOY
Date: 2026.04.21 14:35:15 -04'00'

Kimyata Savoy, Acting Deputy Director
Division of Rulemaking, Environmental, and Financial Support
Office of Nuclear Material, Safety, and Safeguards
U.S. Nuclear Regulatory Commission

Theodore E. Olds, Manager
Oak Ridge Office of Environmental Management
U.S. Department of Energy

Attachment A

Schedule for Cooperating Agency Participation on the Orano Enrichment Facility Environmental Impact Statement

	Potential Activities of Cooperating Agency within its acknowledged areas of expertise	Schedule for Input to U.S. Nuclear Regulatory Commission (NRC)
1	Participate in a conference call or meeting with NRC staff to discuss information needs and technical issues. Provide any specific information for use in the analysis.	Within 10 business days of Memorandum of Understanding finalization and as requested by the NRC throughout the National Environmental Policy Act process.
2	Provide comments on working drafts of the draft environmental impact statement (EIS).	Within 10 business days of receiving applicable sections of the working draft of the draft EIS for review.
3	Provide comments on working drafts of proposed responses to public comments on the draft EIS, as needed.	Within 10 business days of receiving draft compilation of comments and responses, if needed.
4	Provide comments on working drafts of the final EIS.	Within 10 business days of receiving applicable sections of the working draft of the final EIS for review.