

Remsburg, Kristy

From: Joan Olmstead
Sent: Friday, June 05, 2009 4:13 PM
To: (b)(6); Alan Bjornsen; Bubar, Patrice; Kock, Andrea
Subject: RE: BLM MOU Mtg

I'm available Wednesday morning, if you cancel our morning meeting. I have a 2:00 p.m. WBL workgroup meeting though. Hope you have a good weekend. Joan

From: (b)(6) Alan Bjornsen [mailto:(b)(6)]
Sent: Friday, June 05, 2009 3:37 PM
To: Patrice Bubar; Andrea Kock; Joan Olmstead
Subject: BLM MOU Mtg

Patty, Andrea, & Joan,

Rick responded to my e-mail re: meeting next week:

Alan,

Wednesday would be better as one of our Solicitors is only in on a MWF schedule. They have the MOU. We can provide the venue.

We have an observation based on the last set of changes - We would like some clarification on whether NRC sees any benefit to preparing one NEPA document to cover the approval of a plan of operation and a license application, if they are received at or about same time.

We believe it would be wise to consider, as part of the MOU, an option to serve as co-leads on the preparation of one NEPA document, if the situation arises (see suggested language below). More specific language can be added to clarify the situation when two separate documents are being prepared and the respective roles of NRC or BLM in the NEPA process. Its our view that there are numerous benefits to both agencies to prepare a single NEPA document. In addition, the cost of preparing two separate NEPA documents could be burdensome for the company, while being staff and time consuming for both agencies. Even with each agency serving as a cooperating agency when preparing separate NEPA documents simultaneously, there is a risk that different analysis may come to different conclusions concerning the level or type of impact. This will bring into question the other agency's analysis. We therefore suggest adding the following language to the MOU, and adding a section outlining the co-lead role.

1. The BLM and NRC agree to provide advance notice and coordinate on any plans of operation and/or license applications received for uranium or thorium mining or milling facilities or material licenses on public lands and/or federal mineral estates and to offer the other agency the opportunity to participate in the other agency's NEPA process.

2. If the BLM receives a plan of operation and NRC receives a license application concurrently for the same in situ project, the BLM and NRC can determine if it is advantageous to prepare one NEPA document covering both actions.

a. If it is advantageous to combine both actions, each agency agrees to serve as co-leads on the preparation of the NEPA document, but could prepare separate records of decision or decision records for their respective agency action.

b. If it is not advantageous to combine both actions, each agency agrees to offer the other agency the opportunity to participate as a cooperating agency on the preparation of their respective NEPA documents.

At some point in this process we would need to send the MOU with any attachments to the field to provide our State Directors with the opportunity to provide formal comments as to whether time frames and actions are acceptable given staffing and budget constraints.

Rick Deery
Geologist
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