

May 18, 2009

Mr. Patrick Madigan, Manager
U.S. Bureau of Land Management
Rawlins Field Office
1300 North Third Street
P.O. Box 2407
Rawlins, WY 82301-2407

SUBJECT: COORDINATION BETWEEN THE BUREAU OF LAND MANAGEMENT AND
THE U.S. NUCLEAR REGULATORY COMMISSION FOR IN-SITU RECOVERY
OF URANIUM AND STATUS OF A MEMORANDUM OF UNDERSTANDING

Dear Mr. Madigan:

This letter is to inform you of the: (1) status of the Memorandum of Understanding (MOU) between the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Bureau of Land Management (BLM) for providing for a cooperative working relationship on uranium recovery and processing facilities; and (2) the current level of coordination with various BLM offices and the NRC.

In September 2008, NRC staff made visits to five BLM field offices in Wyoming regarding the *Draft Generic Environmental Impact Statement (GEIS) for In-Situ Leach Uranium Recovery* (NUREG-1910), and potential uranium recovery sites within the State (refer to enclosures). During the visits it was discovered that both agencies required a National Environmental Policy Act (NEPA) analysis as part of approving activities within their jurisdiction involving uranium recovery projects, with much of the analysis being similar, or redundant. As a result, several of the offices concurred that it would be prudent from an efficiency standpoint that the agencies share information, to the extent practicable, when addressing the resources and potential impacts of these projects. With that in mind, NRC staff initiated dialogue with BLM Headquarters (HQ) to begin drafting a memorandum of understanding (MOU) between the BLM and NRC.

In the ensuing months, a number of meetings have taken place between the agencies, and several drafts of the MOU have been developed. The latest draft (April 2009) is a high-level document that addresses, principally, a framework for coordination between the agencies, the authorities of each agency, and the roles and responsibilities of each agency. The NRC and BLM HQ are moving forward towards finalizing the MOU and forming a cooperative framework in support of common goals and objectives in the development of uranium recovery facilities.

As cooperation is the primary issue, NRC recognizes that routine communication is essential, especially with the BLM field offices. The need for regular correspondence and exchanges of information, advance notice of agency actions (such as applications for source material licenses and Plans of Operations), negotiation of schedules, and delineation of responsibilities in fulfilling the requirements of NEPA, are imperative to the functioning of the MOU. During the time the

MOU has been in development, NRC Environmental Project Managers for *in situ* uranium recovery facilities in Wyoming that are undergoing technical review for license application have been in communication with the various field office personnel, exchanging information on project schedules and project-specific information.

The NRC is committed to providing the BLM with scheduling information for its environmental review, draft copies of its NEPA documents, and other information the BLM may consider useful in their review of Plans of Operation. In return, the NRC would expect to receive from the BLM notification of when a Plan of Operation is received, and the support in areas where the BLM has expertise. Though it may not always be possible for only one NEPA document to be prepared, it is in the interest of both agencies to improve communications, share expertise and information, and (in particular) improve efficiencies in the coordination and preparation of its NEPA documents for the approval of uranium recovery and processing facilities.

In the meantime, while the MOU is being prepared, the NRC staff continues to communicate with the Wyoming BLM Field Offices for uranium recovery and processing facilities that involve BLM-administered land and/or federal mineral estates. If you have any questions about this letter, its attachments, or the development of the MOU, you may contact Alan B. Bjornsen at (301) 415-1195, or at Alan.Bjornsen@nrc.gov.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at: <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Patrice M. Bubar, Deputy Director
Environmental Protection
and Performance Assessment Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Enclosures:

1. Map of State of Wyoming
2. Table of In-Situ Recovery Sites

cc: See next page

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Sincerely,

Patrice M. Bubar, Deputy Director
 Environmental Protection
 and Performance Assessment Directorate
 Division of Waste Management
 and Environmental Protection
 Office of Federal and State Materials
 and Environmental Management Programs

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cc: See next page

IDENTICAL LETTERS SENT TO: See attached list

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