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Remsburg, Kristy

From: Olmstead, Joan *OGC*
Sent: Tuesday, June 09, 2009 7:30 AM
To: Miller, Debra
Subject: RE: BLM MOU Mtg

I can make the 10:30 a.m. Tuesday in Patti's office too. Joan

From: Miller, Debra *FSME*
Sent: Monday, June 08, 2009 12:52 PM
To: Olmstead, Joan
Subject: RE: BLM MOU Mtg

Joan - didn't Patty Tuesday?

From: Olmstead, Joan *OGC*
Sent: Monday, June 08, 2009 12:14 PM
To: Bubar, Patrice; Bjornsen, Alan; Kock, Andrea; Miller, Debra; Rajapakse, Champa
Subject: RE: BLM MOU Mtg

10 a.m. Wed. in Patti's office works for me. Joan

From: Bubar, Patrice *FSME*
Sent: Monday, June 08, 2009 12:12 PM
To: Bjornsen, Alan; Kock, Andrea; Olmstead, Joan; Miller, Debra; Rajapakse, Champa
Subject: RE: BLM MOU Mtg

Can we confirm that 10 works - in my office.

Patrice M. Bubar, PE, Deputy Director
Environmental Protection and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection - FSME
U.S. Nuclear Regulatory Commission
301-415-8125

From: Bjornsen, Alan *FSME*
Sent: Monday, June 08, 2009 9:00 AM
To: Bubar, Patrice; Olmstead, Joan; Kock, Andrea; (b)(6)
Subject: RE: BLM MOU Mtg

I can make it. I need to cancel my training at PDC.

From: Bubar, Patrice *FSME*
Sent: Monday, June 08, 2009 8:53 AM
To: Bjornsen, Alan; Olmstead, Joan; Kock, Andrea; (b)(6)
Subject: RE: BLM MOU Mtg

I think we need to do that. Does 10 am tomorrow work?

Patrice M. Bubar, PE, Deputy Director

J/7

Environmental Protection and Performance
Assessment Directorate
Division of Waste Management
and Environmental Protection - FSME
U.S. Nuclear Regulatory Commission
301-415-8125

From: Bjornsen, Alan *FSME*
Sent: Monday, June 08, 2009 8:50 AM
To: Olmstead, Joan; Bubar, Patrice; Kock, Andrea; (b)(6)
Subject: RE: BLM MOU Mtg

All - Is there a time that all of us can meet before we go to BLM on Wed?
Joan - will you have time to look at what NRC negotiated with the Corps for reactors?

From: Olmstead, Joan *OGC*
Sent: Monday, June 08, 2009 8:25 AM
To: Bjornsen, Alan; Bubar, Patrice; Kock, Andrea; (b)(6)
Subject: RE: BLM MOU Mtg

(b)(5)

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From: Bjornsen, Alan *FSME*
Sent: Monday, June 08, 2009 7:21 AM
To: Bubar, Patrice; Kock, Andrea; (b)(6) Olmstead, Joan
Subject: RE: BLM MOU Mtg

Most definitely. This has been much too time-consuming. I will call Rick, later, to confirm the time on Wednesday, as well as who from the BLM will be there.

From: Bubar, Patrice *FSME*
Sent: Monday, June 08, 2009 7:14 AM
To: Kock, Andrea; (b)(6) Olmstead, Joan; Bjornsen, Alan
Subject: Re: BLM MOU Mtg

I agree. The language seems fine but how will this realistically work? For the meeting this week can we confirm who from BLM will be there and can we get a sense of how many more iterations BLM expects us to go through. I think we are ready to wrap this up.

From: Andrea Kock
To: (b)(6); Patrice Bubar; Joan Olmstead
Sent: Fri Jun 05 16:15:41 2009
Subject: Re: BLM MOU Mtg

Alan I would be interested in pursuing this with blm and specifically discussing how we could complete one document since the purpose and needs and alternatives would differ. I support the language proposed but want to make sure this is possible.

Can you find out what time works for blm and then we can check our schedules

Sent from NRC blackberry
Andrea Kock
202-579-8861

From: (b)(6) Alan Bjornsen
To: Patrice Bubar; Andrea Kock; Joan Olmstead
Sent: Fri Jun 05 15:36:54 2009
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
"Nullum Gratuitum Prandium"
202-452-0355