103

Remsburg, Kristy

From: Rick_Deery@blm.gov BLM
Sent: Monday, November 30, 2009 2:22 PM
To: Kock, Andrea
Cc: Bjornsen, Alan; Kock, Andrea; Benjamin_Martin@blm.gov; Olmstead, Joan; mitchell_leverette@blm.gov; Bubar, Patrice; rick.deery@blm.gov
Subject: RE: NRC-BLM MOU
Attachments: finalcommplan.pdf

Andrea,

Huzzah!! Out of the office at Northwest Mining Association Convention for the rest of the week so I'll have something good to say!

Rick Deery
Geologist
"Nullum Gratuitum Prandium"
202-912-7119

"Kock, Andrea" <Andrea.Kock@nrc.gov> FSME

11/30/2009 10:42 AM

To "Kock, Andrea" <Andrea.Kock@nrc.gov>, "Benjamin_Martin@blm.gov" <Benjamin_Martin@blm.gov>, "mitchell_leverette@blm.gov" <mitchell_leverette@blm.gov>, "rick.deery@blm.gov" <rick.deery@blm.gov>
cc "Bjornsen, Alan" <Alan.Bjornsen@nrc.gov>, "Bubar, Patrice" <Patrice.Bubar@nrc.gov>, "Olmstead, Joan" <Joan.Olmstead@nrc.gov>
Subject RE: NRC-BLM MOU

Rick, Frank, and Mitch:

(b)(5)

Ex 5

-----Original Message-----
From: Kock, Andrea
Sent: Tuesday, October 13, 2009 2:53 PM
To: 'Benjamin_Martin@blm.gov'; 'mitchell_leverette@blm.gov'; 'rick.deery@blm.gov'
Cc: Bjornsen, Alan; Bubar, Patrice; Olmstead, Joan
Subject: NRC-BLM MOU

Information in this record was deleted in accordance with the Freedom of Information Act.
Exemptions 5, 6
FOIA/PA 2010-0292

J/59

(b)(5)

Ex 5

-----Original Message----- FSME
From: Kock, Andrea
Sent: Wednesday, September 23, 2009 4:05 PM
To: 'Benjamin_Martin@blm.gov'; mitchell_leverette@blm.gov; rick.deery@blm.gov
Cc: Bjornsen, Alan; Bubar, Patrice; Olmstead, Joan
Subject: NRC-BLM MOU

(b)(5)

Ex 5

-----Original Message----- BLM
From: Benjamin_Martin@blm.gov [mailto:Benjamin_Martin@blm.gov]
Sent: Tuesday, September 22, 2009 9:48 AM
To: Bubar, Patrice
Cc: Bjornsen, Alan; Kock, Andrea; mitchell_leverette@blm.gov; rick.deery@blm.gov
Subject: NRC-NLM MOU Signature Block

Patti

We got an answer. The signature block for BLM will be:

Michael D. Nedd
Assistant Director
Minerals and Realty Management

If you guys would get us a copy of your approved final we can start our briefings - but take whatever time you need of course.

Thanks

Benjamin (Frank) Martin
Deputy Division Chief, Solid Minerals- WO-320
202-912-7114 New Voice
202-452-0351 Old Voice soon to be disconnected
(b)(6) Cell
202-653-7397 Fax

Ex 6

Benjamin_Martin@blm.gov

Communication Plan

Memorandum of Understanding
Between the Bureau of Land Management, Department of the Interior and
The U.S. Nuclear Regulatory Commission

REVISED November 2009

Purpose

This communication plan outlines how the Division of Waste Management and Environmental Programs staff will inform appropriate Federal and State Agencies, Native American Tribes, industry representatives, and internal and other external stakeholders about the Memorandum of Understanding (MOU) between the Bureau of Land Management (BLM) and the U.S. Nuclear Regulatory Commission (NRC).

Background

The NRC and the BLM have prepared an MOU to define the cooperative working relationship between the NRC and BLM to support common goals in each agency's preparation of National Environmental Policy Act (NEPA) documents related to the extraction of uranium and thorium on public lands. During its preparation, NRC and BLM have been working closely together to incorporate issues important to each agency's mission into NEPA documents so that efficiencies in the development of the NEPA documents could be gained before the MOU was finalized.

In September 2008, as the NRC began the preparation of NEPA documents for the first group of new in-situ recovery (ISR) applications, the staff determined that both NRC and BLM have responsibilities under NEPA for sites involving federal land. The BLM administers the land associated with many of the ISR applications NRC expects to receive in the coming years. As a result, the NRC and the BLM investigated the possibility of conducting joint environmental reviews and producing single NEPA documents to support the review of ISR applications. The agencies began the MOU to document the framework for interactions to support this coordination, with the intent of developing a more efficient environmental review process.

The MOU provides a framework for this cooperative relationship and identifies the responsibilities of each agency. The intent of the MOU is to improve interagency communications, facilitate the sharing of special expertise and information, and coordinate the preparation of studies, reports, and environmental (NEPA) documents associated with NRC licensing actions and BLM administration of public lands. A steering committee will be formed to implement the MOU. The implementation of the MOU will occur through periodic meetings between the NRC and BLM management to ensure coordination, establishing points of contact at each agency, identifying information gaps that can be filled by each agency, and ensuring that specific environmental resource issues of interest to each agency are covered in each environmental review. To the fullest extent possible, NRC and BLM will participate either as lead agency, co-lead or cooperating agency on the preparation of site-specific environmental documents.

Enclosure

During development of the MOU, the NRC and BLM met multiple times to understand the roles and responsibilities of each agency. It was determined that the scope and purpose of the environmental reviews are not the same for the NRC and the BLM, due primarily to the differences in agency missions. In addition, it became clear that unless applicants submit the NRC's license application and a BLM Plan of Operations concurrently, the timelines for a coordinated environmental review would not coincide. In addition, the BLM was not a cooperating agency on the generic environmental impact statement for in-situ uranium milling (GEIS) that NRC NEPA documents for new applications tier from. As such, production of one NEPA document between the agencies presents challenges. Nevertheless, the NRC and the BLM have agreed to coordinate ISR environmental reviews closely to ensure that portions of each agency's environmental reviews can be incorporated by reference. The MOU would be used to ensure that each agency reference as much of the other's NEPA documents in their assessment as practical, with the realization that one NEPA document between the two agencies may not be possible.

Key Messages

- While challenges exist with the concept of developing a single NEPA document by the agencies, NRC and BLM are committed to agency coordination and are working to ensure that efficiencies are gained through sharing and coordinating the use of both agencies area of expertise. The goal is that the first NEPA document issued for each ISR site could be used as a reference for additional NEPA documents produced for that facility.

- The purposes of the MOU are: (1) to provide an efficient means for both agencies to fulfill their NEPA requirements; (2) to increase interagency communication; (3) to provide an avenue for the exchange of information for concurrent reviews; and (4) to implement the respective agency roles and responsibilities.

- The MOU defines lead and cooperating agency relationship. The lead agency would be the agency that is first to receive an application or plan operations.

- Throughout the process of drafting the MOU, the NRC and BLM have coordinated their efforts on ongoing environmental reviews of current ISR applications that are on lands managed by the BLM to gain efficiencies wherever possible. Specifically, the NRC staff coordinated with BLM on the Moore Ranch, Hank and Nichols and Lost Creek Supplemental Environmental Impact Statements (SEIS's), during development of the MOU. These SEIS's will not have the full benefit of having the MOU in place to permit a cooperating relationship between the agencies; however, the NRC staff has coordinated with BLM staff during the development of these documents to assist them in preparation of NEPA documents necessary to support their review of a Plan of Operations. With the finalization of the MOU, greater cooperation between the agencies will be possible on the estimated 20 current and future applications that are on lands managed by the BLM.

- On several occasions, NRC and BLM have communicated to industry that the maximum level of efficiency would be gained if applicants submit a Plan of Operations and an NRC license application simultaneously so that the timelines for the agency's NEPA reviews coincide and agency resources are aligned when applications and plans are received.

- The MOU was signed by BLM in October 2009. NRC will be signing in the near future.

Communications Team

Patrice Bubar	415-8125	Director, Environmental Protection and Performance Assessment Directorate
Andrea Kock	475-7183	Chief, Environmental Review Branch
Alan Bjornsen	415-1195	ERB lead for communicating with the Bureau of Land Management
Joan Olmstead	415-2859	Office of General Counsel, NRC

Contacts To Be Made Once The MOU Is Signed

Action	**Organization**	**Staff**	**Proposed Date**	**Date Complete**
Send Final MOU to BLM	ERB	Bjornsen	10/9/2009	10/21/2009
Notify Region IV State Liaison Officer	ERB/DILR	Bjornsen with DILR	Same day as signed	
Notify OPA			Same day as signed	
Send daily note (update of OWLA item)	ERB	Bjornsen (approval Kock needed)	1 day after signed	
Notify Congressional Committees and House and Senate delegations from affected states (see audience list)	OCA		1 day after signed	
Make phone calls with industry, state agencies, federal agencies, and tribes	ERB/URLB	Bubar, McConnell, Kock, Bjornsen	2 days after signed	
Send Memo to ADM to have Notice of Availability sent to Federal Register	ERB	Bjornsen	3 days after signed	
MOU becomes available on NRC website	OIS	Bjornsen	6 business days after signed	
MOU becomes available in ADAMS	ERB with ADM/DAS/ RDEB	Bjornsen	6 business days after signed	
Issue Federal Register Notice	ERB		10 days after signed	

Other Interested Parties:

Internal Audience

The Commission
Office of the Executive Director for Operations (OEDO)
Office of Federal and State Materials and Environmental Management Programs (FSME)
Region IV (Regional Administrators/Inspectors/Regional State Liaison Officers)
Office of Public Affairs (OPA)
Office of Congressional Affairs (OCA)

External Audience

Public

General public
Environmental groups

Federal Agencies

EPA (Headquarters and Regions)
Bureau of Land Management
Fish and Wildlife Service
Forest Service

Tribal Representatives

Tribes and organizations with which the Environmental Protection and Performance Assessment Directorate met in February or April 2009.

Navajo Nation
Pueblo of Zuni
All Pueblo Council
Pueblo of Laguna
Pueblo of Acoma
Haaku Water Office
Eastern Shoshone
Northern Arapaho
Oglala Sioux
Ute
Crow

State Agencies

Wyoming Department of Environmental Quality and State Historic Preservation Office (SHPO)
New Mexico Environment Department and SHPO
Nebraska Department of Environmental Quality and SHPO
South Dakota Department of Environment and Natural Resources and SHPO

State Representatives

Governor-appointed State Liaison Officers for Wyoming, Nebraska, South Dakota, and New Mexico,
State Radiation Control Program Directors for Wyoming, Nebraska, South Dakota, and New Mexico

Congressional Staff

House and Senate Delegations from Wyoming, Nebraska, South Dakota, and New Mexico
House Committee on Energy and Commerce (full Committee) and Subcommittee on Energy and Environment
Senate Committee on Environment and Public Works (full Committee) and Subcommittee on Clean Air and Nuclear Safety
Senate Committee on Energy and Natural Resources

Industry Representatives

National Mining Association (NMA)
Additional contacts suggested by NMA

Proposed Uranium Recovery Facilities That Potentially Occupy BLM Land

Site Name	**Owner /Applicant**	**BLM Field Office Location**	**License Type**	**Date Application Expected/ Received**
Christiansen Ranch (WY)	COGEMA	Buffalo	Re-Start	Apr-07
Lost Creek (WY)	Lost Creek ISR, LLC	Rawlins	New	Mar-08
JAB and Antelope (WY)	Uranium One	Lander	New	Sept-08
Hank and Nichols (WY)	Uranerz Energy	Buffalo	New	Dec-07
Lost Creek (WY)	Lost Creek ISR, LLC	Rawlins	Expansion	Apr-10
Lost Soldier (WY)	UR Energy	Rawlins	New	Apr-10
Ludeman (WY)	Uranium One	Casper	New	Nov-09
Smith-Highland (WY)	Cameco (Power Resources, Inc.)	Casper	Expansion	2011
Allemand-Ross (WY)	Uranium One	Buffalo/ Casper	Expansion	Dec-09
Reno Creek (WY)	Strathmore Minerals Corp.	Buffalo	New	Mar-11
West Alkali Creek (WY)	Wild Horse Energy	Lander	New	Dec-10
Ruby Ranch (WY)	Cameco (Power Resources, Inc.)	Buffalo	Expansion	Oct-11
Sweetwater (ISR & Conv.) (WY)	Wild Horse Energy	Rawlins	New	May-11
North Trend (NE)	Cameco (Crow Butte Resources, Inc.)	Newcastle	Expansion	Jun-07
Three Crow (NE)	Cameco (Crow Butte Resources, Inc.)	Newcastle	Expansion	Mar-10
Gas Hills (WY)	Strathmore Minerals	Lander	New	Oct-11

	Corp.			
Marsland (NE)	Cameco (Crow Butte Resources, Inc.)	Newcastle	Expansion	Sep-12
Ross (NE)	Peninsula Minerals, Ltd	Newcastle	New	Dec-10
Marquez (NM)	Neutron Energy	Farmington /Rio Puerco	New	May 11
Mt. Taylor (NM)	Rio Grande Resources	Farmington /Rio Puerco	New	Apr-10
Yavapai County (AZ)	Concentric	Kingman	New	Oct-10
Grants Ridge (NM)	Uranium Energy Corp.	Farmington /Rio Puerco	New	Jan-11
Roca Honda (NM)	Strathmore Minerals Corp.	Farmington /Rio Puerco	New	Dec-11
Dewey-Burdock (SD)	Powertech Uranium Corp.	South Dakota in Belle Fourche	New	Feb-09

Questions & Answers

Q1 What is a Memorandum of Understanding (MOU)

A1 A memorandum of understanding (MOU) is a legal document describing an agreement between organizations. It expresses a convergence of will between the organizations, indicating an intended common line of action, rather than a legal commitment.

Q2 What is the purpose of the MOU?

A2 The purposes of the MOU are to provide an efficient means for both agencies to fulfill their NEPA requirements; to increase interagency communication; to provide an avenue for the exchange of information for concurrent reviews; and, to establish the respective agency roles and responsibilities. The implementation of the MOU will occur through periodic meetings between the NRC and BLM management to ensure coordination, establishing points of contact at each agency, identifying information gaps that can be filled by each agency, and ensuring that specific environmental resource issues of interest to each agency are covered in each environmental review. To the fullest extent possible the NRC and BLM will participate either as lead agency, co-lead or cooperating agency on preparation of site-specific environmental documents.

Q3 What does the MOU contain?

A3 The MOU contains a formal agreement between the NRC and the BLM for a cooperative working relationship. The MOU outlines the authorities' roles and responsibilities given to each agency through various laws and policies. Under these laws, the NRC and BLM will continue to evaluate submitted applications and to prepare necessary documents to implement NEPA requirements. The MOU provides NRC and BLM guidance on developing an open communication process at the national and local level to exchange data, analysis, and research and to review draft documents created. To facilitate this, a steering Committee will be formed to address any significant policy issues and periodic joint meetings will be held at this or staff level. The MOU will become effective upon signature by the authorized officials of both agencies.

Q4 Will it allow NRC and BLM to issue one NEPA document?

A4 The scope and purpose of an environmental review are different for the NRC and the BLM, due primarily to the differences in agency missions. In addition, BLM cannot adopt NRC's environmental reviews tiered from the GEIS since they were not a cooperating agency on the document. Therefore, it will be difficult to produce a single NEPA document. While challenges exist for developing a single NEPA document by the agencies, NRC and BLM are committed to agency coordination and are working to ensure that efficiencies are gained through sharing and coordinating the use of both agencies areas of expertise in each NEPA document so that the first document to be issued for each ISR site can be used as a reference, reducing the effort on any subsequent reviews. Maximum efficiency would be gained if applicants submit a Plan of Operations and an NRC license application simultaneously.