



**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MARINE MINERALS ADMINISTRATION
AND THE
NUCLEAR REGULATORY COMMISSION**



I. PURPOSE

The U.S. Department of the Interior's Marine Minerals Administration (MMA) and the U.S. Nuclear Regulatory Commission (NRC) (jointly, Participating Agencies) enter into this Memorandum of Understanding (MOU) to clarify jurisdiction regarding any nuclear energy projects that are authorized on the U.S. Outer Continental Shelf (OCS), in order to develop a streamlined process that would minimize the duplication of effort and aid the Participating Agencies in the successful completion of their missions and assigned responsibilities.

The goal of this MOU is to ensure that, if any nuclear energy projects are authorized on the OCS, they are developed in a safe and environmentally responsible way through:

- Fostering communication and cooperation between the Participating Agencies.
- Clearly delineating areas of expertise and jurisdiction.
- Assisting the regulated community in understanding the Participating Agencies' respective roles and responsibilities.
- Laying the foundation for a more detailed cooperative framework.

II. COMMITMENTS OF THE PARTICIPATING AGENCIES

A. The Participating Agencies recognize that:

- (1) MMA has authority under 43 U.S.C. 1337(p)(1)(C) to grant a lease, easement, or right-of-way for activities on the OCS that produce or support the production, transportation, storage, or transmission of energy from sources other than oil and gas.
- (2) The NRC has authority over licensing, permitting, construction, operation, inspection, and decommissioning of civilian nuclear projects under the jurisdiction of the United States, including on the OCS.
- (3) The NRC is the lead agency for the National Environmental Policy Act (NEPA) Environmental Impact Statement and any other required environmental and government-to-government consultations with its cooperating Federal, State, and local partners, including MMA, for the licensing, permitting, construction, operation, inspection, and decommissioning of any civilian nuclear projects on the OCS.

- B. MMA will issue leases, easements, or rights-of-way for nuclear projects on the OCS pursuant to section 8(p) of the Outer Continental Shelf Lands Act (OCSLA), as amended, 43 U.S.C. § 1337(p), and will conduct any necessary reviews under NEPA related to those actions.
- C. The NRC will issue licenses and permits under the jurisdiction of the United States for the construction, operation and decommissioning of nuclear facilities on the OCS under the Atomic Energy Act of 1954, as amended (the AEA), 43 U.S.C. §§ 2011 *et seq.* and pursuant to Title 10 of the *Code of Federal Regulations*, and would conduct any necessary inspections and analyses, including those under NEPA and other environmental statutory requirements, related to those actions.
- D. MMA may, at its discretion, request to become a cooperating agency for environmental reviews conducted by NRC under NEPA and participate in any other required environmental, Tribal, and government-to-government consultations for any OCS civilian nuclear project, along with other applicable Federal, State, and local partners.
- E. Based on each of the Participating Agencies' respective expertise, the Participating Agencies will collaborate to ensure that any licenses or permits issued, amended or renewed, by the NRC, and all operations and inspections regulated by the NRC, with respect to a lease, easement, or right-of-way located on the OCS, will, as appropriate, be consistent with the provisions of Section 8(p) of OCSLA, other relevant provisions of the OCSLA, the AEA, and other applicable law.
- F. The Participating Agencies agree to notify each other and coordinate in advance of issuing any license or permit to an applicant for an OCS civilian nuclear project. Notification and coordination should occur as early as possible in the licensing and permitting process, such as during the pre-application stage. As part of this coordination, the Participating Agencies agree to share relevant technical expertise and knowledge as appropriate for each project.
- G. The Participating Agencies agree to develop guidance to help inform licensees, applicants, and permittees of their relevant obligations under the AEA and OCSLA for any OCS civilian nuclear projects.
- H. The Participating Agencies agree to inform one another of any agency actions related to nuclear energy development on the OCS (such as issuance of any permits, licenses, leases, easements, rights-of-way, or enforcement actions) ahead of any public announcements.
- I. Each Participating Agency will use its own appropriations to carry out its responsibilities under this MOU. This MOU cannot be used to obligate or commit funds or serve as the basis for the transfer of funds.
- J. All provisions of this MOU are subject to the availability of funds.

III. PARTICIPATION BY OTHER AGENCIES

The Participating Agencies acknowledge that this MOU does not preclude other agencies from participating in actions within their jurisdiction or expertise that are relevant to the development and management of nuclear energy projects on the OCS.

IV. MISCELLANEOUS

This MOU does not determine, expand, or alter the scope of the Participating Agencies' respective authorities, and does not, and will not be construed to, create any legal obligation on the part of either agency or any private right or cause of action for or by any person or entity.

V. PRINCIPAL CONTACTS

Each Participating Agency hereby designates the following as the initial principal contacts for the Agency. These contacts may be changed at the Participating Agency's discretion upon written notice to the other Participating Agency.

MMA: Director, Office of Strategy and Governance

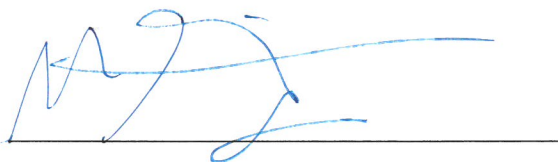
NRC: Director, Division of Advanced Reactor Programs, Office of Advanced Reactors

VI. TERM OF THE AGREEMENT

This MOU will take effect on the date of the last approving signature specified in Section VII, below. The MOU may be modified only upon the written agreement of the Participating Agencies. The MOU may be terminated 120 days after a Participating Agency provides written notice to the other Participating Agency.

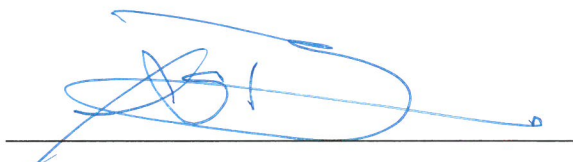
VII. SIGNATORIES

For the Marine Minerals Administration



Matthew Giacona
Acting Director, Marine Minerals
Administration

For the Nuclear Regulatory Commission



Jeremy Bowen
Director, Office of Advanced Reactors