

# Industry Perspective: NRC/BLM NEPA Cooperation

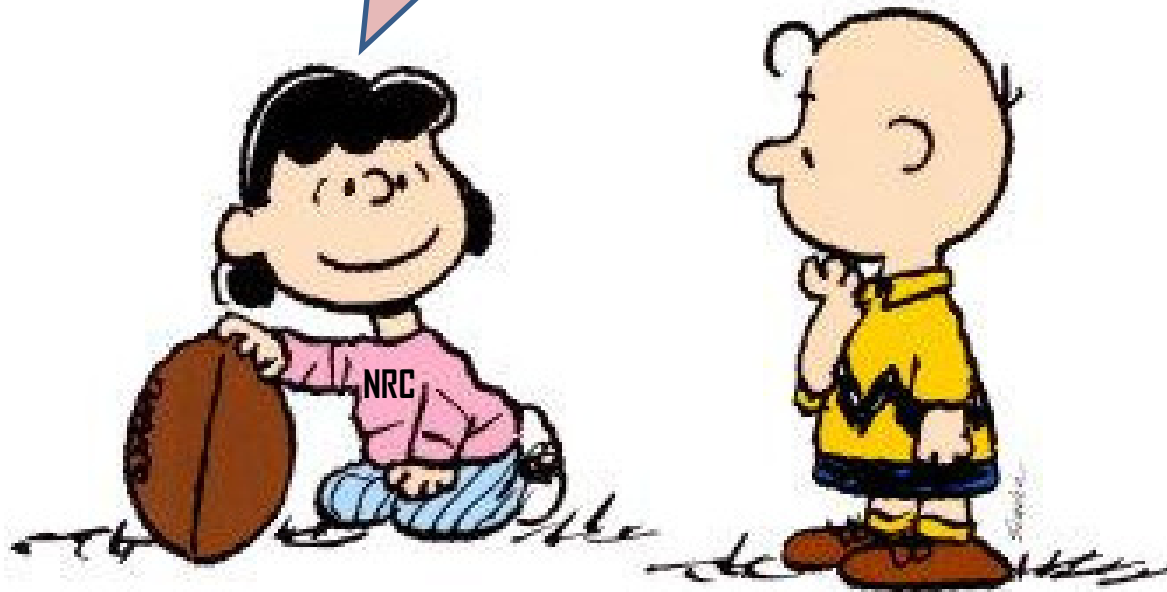
U.S. NRC Uranium Recovery  
Licensing Workshop

January 2011  
Denver, CO

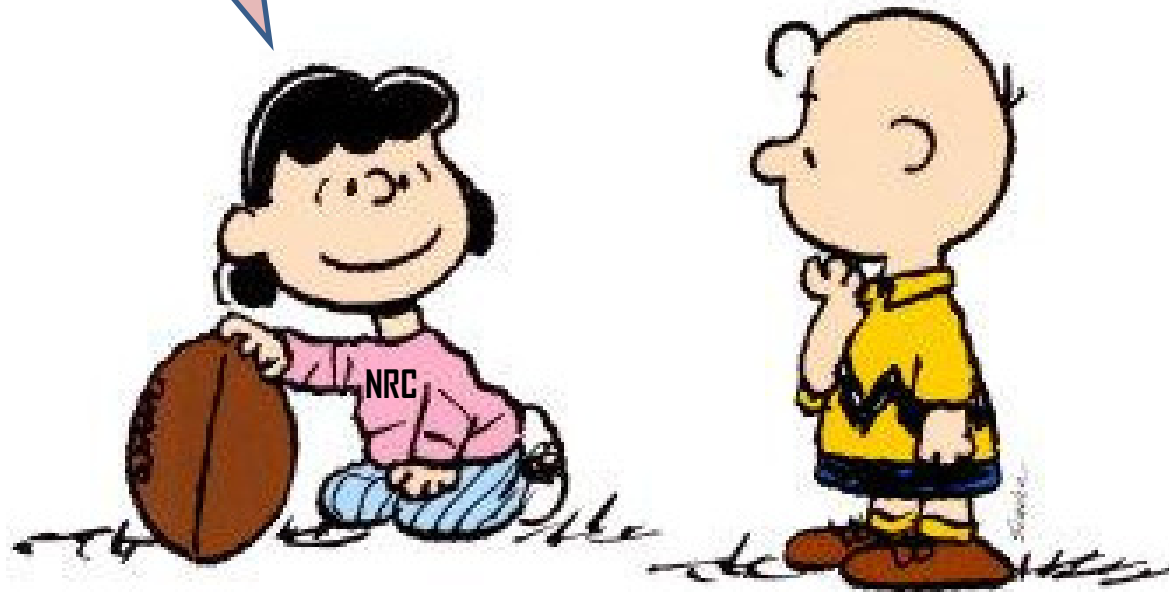
# NEPA REQUIREMENT

- All federal agencies are required to meet the provisions of the National Environmental Policy Act (NEPA) of 1969
- EPA has a key oversight role for NEPA
- Other federal agencies have their own implementing regulations
  - NRC: 10 CFR 51
  - BLM: 43 CFR 46

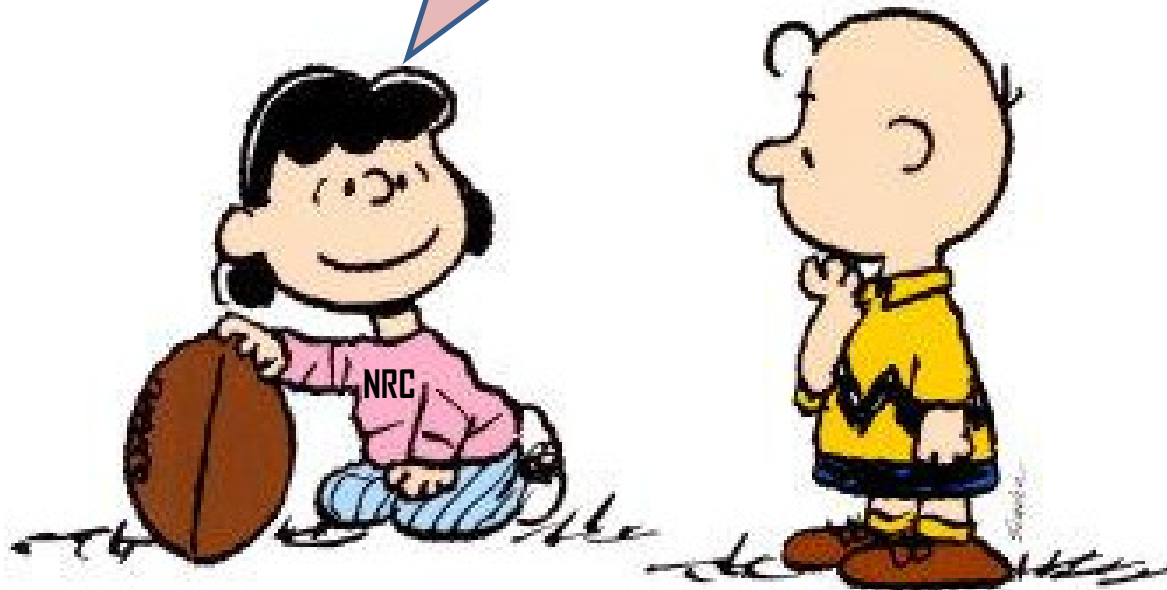
NEPA on Federal Lands?  
Oh, that's easy.



We'll just write an  
MOU with the BLM.



Then you can painlessly get your environmental review through the goal posts.



And you'll save a bunch  
of money in the  
process!



It's a well defined  
process. You can trust  
me.







# The Interagency MOU

- An MOU was signed between the NRC and the BLM on November 30, 2009
- The MOU is promoted as accomplishing the following:
  1. An efficient means for both agencies to fulfill NEPA obligations
  2. A framework for cooperation and coordination
  3. Save both agencies resources and time

# MOU = Two NEPA Reviews

- The goal is that the first NEPA document issued for each in situ recovery site could be used as a reference for additional NEPA documents produced for that facility
- The agencies are directed to share information
- Maximum efficiency occurs when the agencies NEPA reviews coincide
- Consideration is given to preparing a combined site-specific environmental document with co-lead agencies contingent on ability to support the dual schedule needs

# A Well Defined Process

- BLM and NRC have different statutory mandates for their NEPA reviews
- NRC works out of Washington using the NRC application as a basis
- BLM prepares NEPA documents at the Field Office Level using the Plan of Operations and State Permit to Mine document as a basis
- Framework for routine communications

# Cooperation

- BLM will not accept the NRC GEIS or any document that draws conclusions from it because BLM did not participate as a cooperator in the GEIS.
- BLM Field Office personnel have stated their skepticism that it will ever be possible to do just one NEPA document. The approach to the MOU confirms this.

# Save Resources and Time



# NEPA Policy

40CFR1500.2

Federal Agencies shall to the fullest extent possible:

(c) Integrate the requirements of NEPA with other planning and environmental reviews ...so that all such procedures run concurrently rather than consecutively

# NEPA Mandate

## 40CFR1500.5 Reducing Delay

Agencies shall reduce delay by:

- (b) Emphasizing interagency cooperation before the environmental impact statement is prepared, rather than submission of adversary comments on a completed document
- (h) Eliminating Duplication ...with other Federal procedures by providing that an agency may adopt appropriate environmental documents prepared by another agency

# NEPA AND AGENCY PLANNING

## 40CFR1501.5 Lead Agencies

(a) A lead agency shall supervise the preparation of an EIS if more than one Federal agency either:

- (1) Proposes or is involved in the same action; or
- (2) Is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity
- (3) Federal, State or local agencies ... may act as joint lead agencies to prepare an environmental impact statement







# Don't Be Fooled

- The MOU has missed the mark
  - Focus should be on Co-Lead Agencies producing only one NEPA document per project
- Post MOU communications have not been at the needed level
  - Inter-Agency
  - Intra-Agency
- The early applicants were shut out and received no benefit from the MOU

Maybe next time Charlie Brown!

