

September 28, 1998

Mr. G. William Lamb, State Director
Bureau of Land Management
United States Department of the Interior
Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155

SUBJECT: PARTICIPATION OF BUREAU OF LAND MANAGEMENT AS A
COOPERATING AGENCY

Dear Mr. Lamb:

This is in response to your letter dated June 30, 1998, requesting cooperating agency status for the preparation of the Environmental Impact Statement (EIS) related to the application of Private Fuel Storage, L.L.C. (PFS) to construct and operate an Independent Spent Fuel Storage Installation (ISFSI) at the Skull Valley Goshute Indian Reservation in Utah. For this joint effort, we have enclosed for your review and acceptance a proposed Agreement between the Nuclear Regulatory Commission (NRC) and the Bureau of Land Management (BLM). Per our telephone conversation with Mr. Tom Slater of BLM, we understand that you will be the BLM's representative for this matter.

If the proposed Agreement is acceptable, please endorse it and return it to the U.S. Nuclear Regulatory Commission, Mail Stop O6-F-18, 11555 Rockville Pike, Rockville, MD 20852.

Sincerely,
ORIGINAL SIGNED BY /s/
William F. Kane, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Enclosure: As stated
Docket: 72-22

Distribution: w/incoming

Docket	PUBLIC	NRC File Center	NMSS R/F
SFPO R/F	LKokajko	SGagner, OPA	TCombs, OCA
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*see previous concurrence

OFC	SFPO*	E	SFPO*	2E	SFPO*	E	OGC*	E	SFPO	SFPO
NAME	EYShum:jc:dd		VTharpe		EEaston		STurk		SShankman	WKane
DATE	08/06/98		07/29/98		08/07/98		09/09/98		09/25/98	09/28/98

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AGREEMENT BETWEEN
U.S. NUCLEAR REGULATORY COMMISSION
AND BUREAU OF LAND MANAGEMENT

I. Purpose and Objectives

This agreement provides procedures and guidance for coordination and cooperation between the U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Material Safety and Safeguards and the U.S. Department of the Interior, Bureau of Land Management (BLM), Utah State Office, concerning the preparation of an Environmental Impact Statement (EIS) for the application of Private Fuel Storage, L.L.C. (PFS) to construct and operate an Independent Spent Fuel Storage Installation at the Skull Valley Goshute Indian Reservation in Tooele County, Utah.

This agreement is intended to assist in meeting the requirements and objectives of the National Environmental Policy Act (NEPA) through integrating each agency's planning, environmental review, and other procedures with NEPA requirements so that such efforts may take place concurrently rather than consecutively; eliminating duplication of effort; and emphasizing interagency cooperation.

II. Agency Roles

The NRC shall be the lead agency and shall supervise the preparation of the EIS. The BLM shall be a cooperating agency.

III. Procedures and Responsibilities

- A. The NRC shall provide financial resources for its environmental review and preparation of the EIS. BLM shall provide the financial resources to carry out its role as a cooperating agency.
- B. If PFS requires rights-of-way (ROWs) from BLM for required facilities, NRC will require PFS to seek such ROWs from BLM prior to publication of the draft EIS (DEIS).
- C. NRC shall identify BLM as a cooperating agency for preparation of the EIS in all Federal Register (FR) Notices concerning availability of the DEIS, final EIS (FEIS) and any Record of Decision (ROD).
- D. Each agency shall designate a coordinator who shall be a single point of contact for the project.
- E. BLM shall provide information to NRC concerning the occurrence of and impacts on conditions, resources, and uses on the public lands that may be affected by the subject repository.

ENCLOSURE

- F. BLM shall identify potential alternative locations and routes from facilities and ROWs that may be required on the public lands.
- G. BLM shall provide to NRC the BLM required and suggested mitigating measures for actions for facilities and ROWs proposed on the public lands.
- H. NRC shall analyze BLM's recommended alternatives in the draft and final EISs and shall describe BLM's required and recommended mitigating measures in the subject EIS.
- I. NRC shall inform BLM of progress on the project and shall invite BLM to attend meetings (at BLM's expense) related to NRC's environmental review.
- J. NRC shall provide an opportunity for BLM to comment on the preliminary DEIS (if any), DEIS, preliminary Final EIS (if any), and Final EIS.
- K. Upon NRC's request, BLM shall provide a letter indicating whether it concurs with the scoping report, draft EIS, and final EIS.
- L. To the extent consistent with NRC regulations and policy, NRC shall attempt to schedule notices and releases of required documents, approvals and decisions to accommodate the requirements of Department of Interior and BLM.
- M. NRC shall provide financial resources for its technical experts to testify in the Atomic Safety and Licensing Board hearing. If expertise within BLM's authority is required, BLM shall provide assistance, including expert witnesses at BLM's expense.

IV. Administration

- A. Nothing in this agreement will be construed as affecting the authorities of the participating agencies or as binding beyond their respective authorities or to require either agency to obligate or expend funds in excess of available appropriations or contributions by the applicant.
- B. NRC, as the lead agency, shall maintain the formal project file and shall make the file available to BLM as needed by BLM.
- C. This agreement terminates following the completion of the final EIS and issuance of the final ROD; or the agreement may be canceled at any time by one of the participating agencies following at least 30-days notice to the other participant.

- D. The terms of this agreement may be renegotiated at any time at the initiative of one of the participating agencies, following at least 30-days notice to the other participant. Changes will be in the form of an amendment and will become effective upon signature by both agencies.

APPROVED:

William F. Kane, Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards
U.S. Nuclear Regulatory Commission



Signature

Dated: SEPTEMBER 28, 1998

G. William Lamb, Utah State Director
Bureau of Land Management
United States Department of the Interior

Signature

Dated: _____, 1998