

**From:** Ron Linton  
**To:** Christopher Pugsley  
**Date:** 01/22/2007 3:22:58 PM  
**Subject:** RE: RMD

No, but I'm going to make the argument that it is a reasonable approach.

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 1/22/2007 2:41 PM >>>  
Any idea whether OGC will go along?

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-----Original Message-----

From: Ron Linton [<mailto:RCL1@nrc.gov>]  
Sent: Monday, January 22, 2007 2:31 PM  
To: Christopher Pugsley  
Cc: [dbollig@wrtnet.com](mailto:dbollig@wrtnet.com)  
Subject: RE: RMD

Chris:

Keith is ready to move forward. I'm sending changes in LC-9 (removal of performance criteria reference) and LC-12 (100-year flood plain) to OGC to make sure they are ok with changes. If OGC is ok, we just need to get package finalized and signed. We need to get the 10 year term added to licence, make a few changes in the cover letter reflecting RMD's approval of the LC's in 1/8, 1/18, and 1/19 e-mails to you and RMD, get the dates correct, etc. I'll keep you informed.  
Ron

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 1/19/2007 9:25 AM >>>

OK. Will be waiting to hear from you.

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**Mail Envelope Properties** (45B51D22.FFC : 8 : 11688)

**Subject:** RE: RMD  
**Creation Date** 01/22/2007 3:22:58 PM  
**From:** Ron Linton

**Created By:** RCL1@nrc.gov

**Recipients**

athompsonlaw.com  
cpugsley (Christopher Pugsley)

**Post Office****Route**

athompsonlaw.com

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	31533	01/22/2007 3:22:58 PM

**Options**

**Expiration Date:** None  
**Priority:** Standard  
**ReplyRequested:** No  
**Return Notification:**  
Send Notification when Opened

**Concealed Subject:** No  
**Security:** Standard

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-----Original Message-----

From: Ron Linton [<mailto:RCL1@nrc.gov>]  
Sent: Friday, January 19, 2007 9:17 AM  
To: Christopher Pugsley  
Subject: RE: RMD

Hadn't listened to you message, thanks for the e-mail. Keith has not responded and I think he is traveling today. I may not get to speak with him until Monday.

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 1/19/2007 9:06 AM

>>>  
Just wanted to confirm that you received my voicemail yesterday that we are ok with the approach that does not involve a license amendment.

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From: Ron Linton [<mailto:RCL1@nrc.gov>]  
Sent: Thursday, January 18, 2007 3:17 PM  
To: Christopher Pugsley  
Subject: RE: RMD

my pin # is not working 65413#

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 01/18/2007 3:10 PM >>>

OK, talk to you then.

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From: Ron Linton [<mailto:RCL1@nrc.gov>]  
Sent: Thursday, January 18, 2007 3:06 PM  
To: Christopher Pugsley  
Subject: RE: RMD

Yes....

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 01/18/2007 3:03 PM >>>

Can you do 3:15pm at the call-in number I sent?

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From: Ron Linton [<mailto:RCL1@nrc.gov>]  
Sent: Thursday, January 18, 2007 12:02 PM  
To: Christopher Pugsley  
Subject: RE: RMD

I'll call at 3:30. Ron

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 01/18/2007 11:37 AM  
>>>

How about 3:30 pm?

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From: Ron Linton [<mailto:RCL1@nrc.gov>]  
Sent: Thursday, January 18, 2007 11:35 AM  
To: Christopher Pugsley  
Subject: RE: RMD

What time do you want me to call? Available after 1:00.

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 01/18/2007 11:03  
AM  
>>>

Ron:

When we talk about NRC review and approval, what timeframe are we  
talking  
about because this would seriously hamper commercial negotiations?  
Can  
we  
talk this afternoon?

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destroy all copies of this message and attachments.

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From: Ron Linton [mailto:[RCL1@nrc.gov](mailto:RCL1@nrc.gov)]  
Sent: Thursday, January 18, 2007 9:59 AM  
To: Christopher Pugsley  
Subject: RE: RMD

That's why I sent you this proposal, I know RMD will want to discuss.  
I'm  
just trying to get these loose ends tied up. This is the one item  
that  
would need to be approved before the URS is installed. This means  
approved  
by the SERP, with a request to NRC for approval of the proposal.  
However,  
this approval would be in the form of reviewing the specific site in  
question, not a license amendment. The SERP would need to justify the  
safety and environmental risk on a case-by-case basis for this one  
issue and  
NRC would review and approve, if satisfied with the safety and  
environmental  
protection.

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 01/18/2007 9:43  
AM >>>

Ron:

I have not yet discussed this with RMD so these comments are  
off-the-cuff.  
The first change seems to reflect what we discussed so unless RMD has  
a  
problem, it doesn't seem to be an issue. The second proposed change  
is  
a  
bit confusing. When you say that the siting in the flood plain must  
be  
approved by NRC, when do they approve it? When they inspect our  
records?  
As long as it does not require a license amendment, it can be made to  
work  
but I must discuss this with RMD.

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From: Ron Linton [<mailto:RCL1@nrc.gov>]  
Sent: Thursday, January 18, 2007 9:26 AM  
To: Christopher Pugsley  
Cc: [dbollig@wrtnet.com](mailto:dbollig@wrtnet.com)  
Subject: RE: RMD

Duane/Chris:

I want to run two possible changes to LC's by you for comment.

1. Keith seems concerned about the term "performance criteria" in LC-9  
so  
I've change LC 9 to say the same thing but in a different way. Is either ok with you?

LC-9 *currently reads:*

"The R.M.D. Operations, LLC uranium water treatment program, including operation of its uranium removal system, media exchanges, and final disposition pathways, shall not exceed, without NRC approval, the performance criteria outlined in the Environmental Report dated September 27, 2005, except where superseded by licensed conditions contained in this

license. Whenever the words "will" or "shall" are used in the above referenced documents, it shall denote a requirement."

We may change LC-9 to:

"The R.M.D. Operations, LLC uranium water treatment program, including operation of its uranium removal system, media exchanges, and final disposition pathways, shall operate as specified in the R.M.D.

Operations,

LLC Environmental Report dated September 27, 2005, except where superseded

by licensed conditions contained in this license or approved by the NRC.

Whenever the words "will" or "shall" are used in the above referenced documents, it shall denote a requirement."

2. Concern still exists over a URS sited in the 100-year flood plain.

I've

offered a compromise that I think may be ok. It would require RMD's SERP to

look at environmental and safety issues of siting on a 100-year flood plain

and then be approved by NRC. The way I see this working is it would not

require a license amendment and each one that exists on the 100-year flood

plain would be looked at on a case-by-case basis for this one issue.

This language would be added to LC-12:

"The uranium removal system shall not be located on the 100-year flood plain

unless approved by the R.M.D. Operations, LLC Safety and Environmental Review Panel and the NRC."

I've not had this language approved. I've proposed to Keith but wanted

you

to review at the same time. He is in meetings all day in NY, but has been

responding to e-mails in the evening.

Ron

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 01/16/2007 4:50 PM >>>

Ron:

We have some questions. Do you have time for a conference call tomorrow?

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From: Ron Linton [<mailto:RCL1@nrc.gov>]  
Sent: Tuesday, January 16, 2007 12:16 PM  
To: Christopher Pugsley  
Cc: [dbolliq@wrtnet.com](mailto:dbolliq@wrtnet.com)  
Subject: Re: RMD

Chris/Duane:

Keith thoroughly reviewed the license and TER last Friday and sent me several questions/issues I need to answer and clarify. Some I can answer, but I need RMD's input on the following:

1. RMD will not have intermediate collection areas for the spent resins before final disposition. Is this correct? If a transport company takes possession of licensed material (spent resins) from the URS and has an intermediate collection area, that would be acceptable, provided they are properly licensed and permitted to do so. Is this your understanding?

2. We have the term, "performance criteria" used in LC 9. Keith points out that he could not find the term "performance criteria" in the ER. I'm going to propose we just use "criteria" in LC 9, which will cover everything in the ER.

3. We have not addressed a URS in the 100-year flood plain in the LC's, but we do discuss they should not be located in the 100-year flood plain in the TER. We are going to propose adding to this LC a prohibition of the URS in the 100 year flood plain. This would not preclude housing the URS on high ground, just not in the 100-year flood plain. Proposed language, "If a possible direct outlet to storm sewers.....that could affect water resources. The URS shall not be located in the 100-year flood plain." Please comment.

That's the update.

Ron

>>> "Christopher Pugsley" <[cpugsley@athompsonlaw.com](mailto:cpugsley@athompsonlaw.com)> 01/16/2007 10:12 AM  
>>>

Hello:

This is your friendly neighborhood pesky lawyer checking on the status of

the license. Hope you had a nice weekend.

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