



### RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST

2010-0292

7

RESPONSE TYPE  FINAL  PARTIAL

REQUESTER

Cori Lombard

DATE

MAR 28 2011

#### PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES **L** Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES **M, N** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852-2738.
- APPENDICES **M, N** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

#### PART I.A -- FEES

AMOUNT \*  
\$ 0.00

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

\* See comments for details

#### PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

#### PART I.C COMMENTS (Use attached Comments continuation page if required)

The incoming request is in ADAMS at ML102180084.

The following pertains to NRC Form 464 Part II.B :

The USNRC Denying Official for the following records is Patricia Hirsch, Assistant General Counsel for Legal Counsel, Legislation and Special Projects, and the Appellate Official is the Office of the Secretary: Appendix N, Items 1-12, 14-17, 21-26, 29, 30, 32, 35, 38; Appendix O, Items 1-52, 54-61, 64, 69-71, 74, 75, 80-83, 86-89.

The USNRC Denying Official for the following records is Charles L. Miller, Director, Office of Federal and State Materials and Environmental Management Programs, and the Appellate Official is the Executive Director of Operations: Appendix N, Items 5, 13, 18-21, 25, 27, 28, 30-37, 39; Appendix O, Items 52-55, 57-89.

Records were referred to the Environmental Protection Agency, Department of Interior, Department of the Army and the National Oceanic and Atmospheric Association, for their direct response to you.

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

*Donna L. Sealing*  
Donna L. Sealing

**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) / PRIVACY ACT (PA) REQUEST**

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**PART II.A -- APPLICABLE EXEMPTIONS**

APPENDICES  
N, O

Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
  - Low 2 Internal matters of a relatively trivial nature.
  - High 2 Disclosure would risk circumvention of a legal requirement.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
  - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
  - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
  - 41 U.S.C., Section 253b, subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
  - The information is considered to be confidential business (proprietary) information.
  - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.390(d)(1).
  - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.390(d)(2).
  - Disclosure will harm an identifiable private or governmental interest.
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
  - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
  - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
  - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
  - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
  - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
  - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
  - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
  - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)  
See Comments section on NRC Form 464 Part I.C for Appendices N and O records denied.

**PART II.B -- DENYING OFFICIALS**

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Michael R. Johnson	Director, Office of New Reactors	Appendix N, Item 40	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patricia Hirsch	Assistant General Counsel for Legal Counsel, Legislation and Special Projects	Appendix N and O - Items listed in Part I.C - Comments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Charles L. Miller	Director, Office of Federal and State Materials and Environmental Management Programs	Appendix N and O - Items listed in Part I.C - Comments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

**APPENDIX L  
RECORDS ALREADY PUBLICLY AVAILABLE**

<u>NO.</u>	<u>DATE</u>	<u>ACCESSION NUMBER</u>	<u>DESCRIPTION/(PAGE COUNT)</u>
1.	07/02/09	ML091970288	LTR-09-0352 – Letter from J. Block, re: Concerns the Release of the ISL GEIS, NUREG-1910 (4 pages)
2.	01/29/10	ML100570068	Comment (4) of Kenneth A. Westlake on Behalf of US Environmental Protection Agency on Draft Plant-Specific Supplement 39 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Prairie Island Units 1 & 2 (8 pages)
3.	03/03/10	ML100690166	Comments of James Hanley on Behalf of US Environmental Protection Agency on Draft SEIS for Lost Creek (Comment 19) Moore Ranch (Comment 13) and Nichols Ranch (Comment 17) (7 pages)
4.	04/26/10	ML101240981	Letter from U.S. Environmental Protection Agency, Region 8, Stephen S. Tuber, Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance to John Wagner, Administrator, Water Quality Division, Wyoming Department of Environment Quality, Cheyenne, WY; Re: Comments on WYUIC proposed permit: 09-586. (2 pages)
5.	03/03/10	ML100760637	Letter from Carol Rushin, Acting Regional Administrator, Region 8, Environmental Protection Agency, Denver, CO to Michael Lesar, Chief, Rulemaking and Directives Branch, USNRC; Re: NUREG – 1910, Supplements 1, 2 and 3, Draft SEIS for three Wyoming Uranium ISR Projects, Lost Creek ISR Project CEQ# 20090425, Moore Ranch ISR Project# 20090421, Nichols Ranch ISR Project CEQ# 20090423. (7 pages)

6. 03/03/10 ML100850378 E-mail from C. Lombardi, NRDC to MooreRanchISRSEIS Resource; LostCreekISRSEIS Resource; NicholsRanchISRSEIS Resource. (43 pages)
7. 03/01/10 ML100621314 FAX transmission from the Department of Environmental Quality, Land Quality Division, Cheyenne, W, to M. Lesar, NRC; RE: State of Wyoming Comments on Draft SEISs for Lost Creek, Docket Number NRC-2008-0391, Moore Ranch, Docket Number NRC-2008-0364 & Nichols Ranch, Docket Number NRC 2-2008-0339. (50 pages)
8. 03/02/10 ML100710107 Letter from New Mexico Environmental Law Center to M. Lesar, Chief, Rulemaking and Directives Branch, USNRC; RE: Comments on Lost Creek SEIS, NUREG-1910, Supplement 3; Docket ID NRC 2008-0391. (163 pages)
9. 04/05/10 ML103480797 Letter from Katy Sweeny, General Counsel, NMA to P. Bubar, Deputy Director, Division of Waste Management and Environmental Protection, USNRC; Concerning EPA, Region 8 comments on draft SEIS's by the USNRC for proposed Uranium ISR projects in the State of Wyoming. (8 pages)
10. 03/03/10 ML100960637 E-mail from J. Hanley, EPA to LostCreekISRSEIS Resource; MooreRanchISRSEIS Resource; NicholsRanchISRSEIS Resource; Subject: NUREG – 1910, Supplements 1, 2, and 3 (Draft SEIS for three Wyoming Uranium ISR Projects. (8 pages)

**APPENDIX M  
RECORDS BEING RELEASED IN THEIR ENTIRETY  
(If copyrighted identify with \*)**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/ (PAGE COUNT)</u></b>
1.	02/22/10	Summary of Comments on the Public Notice for the Proposed Information Collection for Steam Electric Power Generating Effluent Guidelines and EPA's Response (39 pages)
2.	03/24/10	Email from Joan Olmstead, OGC to Sara Laumann, EPA Re: Introductory Chapter of GEIS Attachment: ML091480244 (Publicly available) (1 page)
3.	04/19/10	Email from Joan Olmstead, OGC to Andrew Pessin, OGC Re: NEPA/NHPA and GHG Meeting Request (1 page)
4.	05/19/10	Email from Joan Olmstead, OGC to Bradley Jones, OGC Re: Re: SEISs waste disposal "alternatives" (2 pages)
5.	05/20/10	Email from Bradley Jones, OGC to Joan Olmstead, OGC Re: BWJ, JWO; Call with EPA Reg 8 att. (1 page)
6.	06/04/10	Email from Joan Olmstead, OGC to Sara Laumann, EPA Re: Alternatives waste water disposal options (1 page)
7.	11/16/09	Email from M. Casby, FSME to P. Bubar, FSME, et al; Subject: RE: BLM MOU (1 page)
8.	03/09/10	Email from Joan Olmstead, OGC to J. Hull, OGC, et al; Subject: FW: Southwest Research and Information Center comments on Lost Creek SEIS; Docket ID NRC2008-0391. (2 pages)
9.	03/22/10	Email from Joan Olmstead, OGC to P. Bubar, FSME; Subject: RE: Call from EPA. (1 page)
10.	03/23/10	Email from Joan Olmstead, OGC to P. Bubar, FSME; Subject: RE: Call from EPA. (2 pages)
11.	03/26/10	Email from Joan Olmstead, OGC to P. Bubar, FSME; Subject: RE: Proposed Agenda for EPA/NRC Meeting on March 30 <sup>th</sup> . (1 page)
12.	03/31/10	Email from Joan Olmstead, OGC to P. Bubar, FSME; Subject: RE: (1 page)

13. 04/06/10 Email from Joan Olmstead, OGC to J. Hull, OGC;  
Subject: FW: NMA Response to EPA Region 8 Comments on the  
draft SEISs. (1 page)
14. 04/07/10 E-mail from P. Swain, FSME to B. Schroff, NRC, et al; Subject:  
FW: GEM is ready for you. (1 page)
15. 04/12/10 E-Mail from A. Bjornsen to M. Hopkins, UWYO; Subject: RE:  
NRC\_Lost Creek\_ 48SW16604(2). (1 page)
16. 04/13/10 E-Mail from P. Walker, BLM to A. Bjornsen, NRC; Subject: RE:  
NRC\_Lost Creek\_ 48SW16604(2). (1 page)
17. 06/07/10 E-mail from J. Olmstead, OGC to E. Perkins, EPA, et al; Subject:  
RE: FW: Supplemental EISs. (2 pages)
18. 03/22/10 E-mail from P. Swain, FSME to P. Bubar, FSME; Subject: FW:  
NUREG 1910 Supplement 1, 2, 3 technical comments transmittal.  
(1 page)
19. 05/18/10 E-mail from J. Olmstead, OGC to E. Perkins, EPA; Subject: RE:  
Alternatives Discussion – WY SEISs (4 pages)
20. 05/04/10 E-mail from J. Hull, OGC to B. Von Till, FSME; Subject: RE:  
Transmittal of EPA Region 8 comments to WDEQ re: Lost Creek  
UIC Class I Permit. (1 page)
21. 05/18/10 E-mail from J. Olmstead, OGC to C. Safford, OGC; Subject: RE:  
Mitigation of project-related emissions. (1 page)

**APPENDIX N  
RECORDS BEING WITHHELD IN PART**

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	04/13/10	E-mail from J. Olmstead, NRC to S. Lauman, EPA; Subject: FW: Attorney Meeting. (3 pages) / <b>EX 2 Low, 5</b>
2.	04/19/10	E-mail from J. Olmstead, NRC to A. Pessin, NRC; Subject: CAA Sectionrev.doc; environmental.pdf. (9 pages total, 7 pages released) / <b>EX 5</b>
3.	04/27/10	E-mail from A. Pessin, NRC to J. Olmstead, NRC; Subject: RE: RE: env issues. (1 page) / <b>EX 5</b>
4.	05/13/10	E-mail from J. Olmstead, NRC to A. Pessin, NRC; Subject: RE: Climate Change_LC5-13.doc. (1 page) / <b>EX 5</b>
5.	04/22/10	E-mail from J. Hull, NRC to P. Swain, NRC; Subject: RE: Comment Response Question. (3 pages) / <b>EX 5</b>
6.	05/18/10	E-mail from J. Olmstead, NRC to E. Perkins, EPA; Subject: RE: Alternatives discussion – WY SEISs. (2 pages) / <b>EX 5</b>
7.	05/24/10	E-mail from B. Jones, NRC to J. Olmstead, NRC; Subject: RE: Alternatives discussion – WY SEISs. (6 pages) / <b>EX 2 Low, 5</b>
8.	06/01/10	E-mail from J. Olmstead, NRC to E. Perkins, EPA; Subject: RE: Alternatives discussion – WY SEISs). (6 pages) / <b>EX 2 Low</b>
9.	06/01/10	E-mail from E. Perkins, EPA to E-mail to J. Olmstead, NRC; Subject: Alternatives discussion – WY SEISs. (8 pages) / <b>EX 2 Low</b>
10.	06/03/10	E-mail from J. Olmstead, NRC to E. Perkins, EPA; Subject: RE: Alternatives discussion – WY SEISs). (10 pages) / <b>EX 2 Low</b>
11.	06/03/10	E-mail from J. Olmstead, NRC to E. Perkins, EPA; Subject: RE: Alternatives discussion – WY SEISs). (10 pages) / <b>EX 2 Low, 5</b>
12.	03/04/10	E-mail from B. Jones, NRC to T. Rothschild, NRC; Subject: FW: NUREG-1910, Supplements 1, 2, and 3 [Draft SEIS for three Wyoming Uranium ISR Projects]. (2 pages) / <b>EX 5, 6</b>
13.	03/05/10	E-Mail from P. Bubar, NRC to J. Olmstead, NRC; Subject: FW: NUREG-1910, Supplements 1, 2, and 3 [Draft SEIS for three Wyoming Uranium ISR Projects]. (1 page) / <b>EX 5, 6</b>

14. 03/05/10 E-Mail from J. Olmstead, NRC to P. Bubar, NRC; Subject: FW: NUREG-1910, Supplements 1, 2, and 3 [Draft SEIS for three Wyoming Uranium ISR Projects]. (1 page) / **EX 5, 6**
15. 03/09/10 E-mail from C. Kanatas, NRC to J. Olmstead, NRC; Subject: FW: Some background for our meeting tomorrow. (2 pages). / **EX 5**
16. 03/09/10 E-mail from J. Olmstead, NRC to J. Hull, NRC, et al; Subject: FW: NUREG-1910, Supplements 1, 2, and 3 [Draft SEIS for three Wyoming Uranium ISR Projects]. (2 pages) / **EX 6**
17. 03/16/10 E-mail from J. Hull, NRC to J. Olmstead, NRC, et al; Subject: FW: Docket ID Nos. NRC-2008-0391, NRC-2009-0364, NRC-2008-0339. (2 pages) / **EX 5**
18. 03/23/10 E-mail from P. Bubar, NRC to A. Kock, NRC, et al; Subject: Re: NUREG-1910 Supplemental 1, 2, 3 technical comments transmittal. (2 pages) / **EX 5**
19. 03/23/10 Email from P. Swain, NRC to P. Bubar, NRC; Subject: Re: NUREG-1910 Supplemental 1, 2, 3 technical comments transmittal. (1 page) / **EX 5**
20. 03/23/10 E-mail from B. Von Till, NRC to J. Hill, NRC, et al; Subject: FW: NUREG-1910 Supplemental 1, 2, 3 technical comments transmittal. (2 pages) / **EX 5, 6**
21. 03/23/10 E-mail from J. Hull, NRC to B. Von Till, NRC; Subject: Re: NUREG-1910 Supplemental 1, 2, 3 technical comments transmittal. (1 page) / **EX 5**
22. 04/01/10 E-mail from J. Hull, NRC to P. Bubar, NRC; Subject: Lose Creek SEIS. (2 pages) / **EX 5**
23. 04/01/10 E-mail from P. Bubar, NRC to J. Olmstead, NRC, et al; Subject: Lose Creek SEIS. (3 pages) / **EX 5**
24. 04/01/10 E-mail from J. Olmstead, NRC to P. Swain, NRC; Subject: RE; RE: hard copies of Lost Creek/Moore/Nicholas DSEIS. (1 page) / **EX 5**
25. 04/01/10 E-Mail form B. Von Till, NRC to J. Hull, NRC; Subject: RE: National Mining Association comments on Draft SEISs for Lost Creek, Moore Ranch, and Nichols Ranch ISR Projects. 4 pages) / **EX 5, 6**
26. 04/01/10 E-mail from J. Hull, NRC to B. Von Till; Subject: FW: Southwest Research and Information Center Comments on Lost Creek SEIS; Docket ID NRC-2008-0391. (2 pages) / **EX 5**
27. 04/02/10 E-mail from J. Hull, NRC to B. Von Till; Subject: FW: Southwest Research and Information Center Comments on Lost Creek SEIS; Docket ID NRC-2008-0391. (2 pages) / **EX 5**
28. 04/13/10 E-mail from J. Olmstead, NRC to K. Hsueh, NRC; Subject: RE: SEIS Summary Comments/Responses. (2 pages) / **EX 5**



29. 04/14/10 E-Mail from J. Hull, NRC to B. Jones, NRC, et al; Subject: FW: EPA regs and related comments on my revised RG 3.11. (8 pages) / **EX 5**
30. 04/19/10 E-mail from J. Hull, NRC to J. Olmstead, NRC; Subject: FW: URB Help on SEISs. (3 pages total, 2 pages released) / **EX 5**
31. 04/19/10 E-mail from P. Swain, NRC to A. Bjornsen, NRC, et al; Subject: FW: The Associated Press: Wyo. OK'ing uranium permits despite EPA concerns. (2 pages) / **EX 5**
32. 04/28/10 E-mail from J. Olmstead, NRC to A. Pessin, OGC; Subject: FW: DRAFT Climate Change Report. (16 pages total, 2 pages released) / **EX 5**
33. 04/28/10 E-mail from K. Hsueh, NRC to K. Mcconnell, NRC, et al; Subject: Proposed Agenda for tomorrow's conference call with EPA from 9:30-10:30 at T8C1. (2 pages) / **EX 2 Low**
34. 05/12/10 E-mail from P. Swain, NRC to A. Schwartzman, NRC, et al; Subject: RE: 3 PM ET conference call focus. (4 pages) / **EX 2 Low, 5, 6**
35. 05/04/10 E-mail from J. Hull, NRC to B. Jones, NRC; RE: Question Regarding a Specific Comment. (3 pages total, 2 pages released) / **EX 5**
36. 06/07/10 E-mail from J. Olmstead, NRC to E. Perkins, EPA, et al; Subject: FW: Supplemental EISs. (16 pages total, 1 page released) / **EX 5**
37. 06/30/10 E-mail from K. Hsueh, NRC to J. Olmstead, NRC, et al; Subject: FW: EPA Region 8 with Cooperating Agency status for Dewey-Burdock SEIS? (1 page) / **EX 5**
38. 07/12/10 E-mail from D. Skeen, NRC to B. Jones, NRC; Subject: RE: QUERY: Cooperating Agency? (2 pages) / **EX 5**
39. 07/12/10 E-mail from K. Hsueh, NRC to B. Jones, NRC, et al; Subject: Response to EPA R8's March 3 letter on 3 SEISs. (8 pages total, 1 page released) / **EX 5**
40. 03/22/10 E-mail from J. Olmstead, NRC to J. Davis, NRC; Subject: FW: CO2 and GHG Guidance for Flanders Memo. (2 pages) / **EX 5**

**APPENDIX O  
RECORDS BEING WITHHELD IN THEIR ENTIRETY**

<b><u>NO.</u></b>	<b><u>DATE</u></b>	<b><u>DESCRIPTION/ (PAGE COUNT)/EXEMPTIONS</u></b>
1.	03/15/10	Email from John Hull, OGC to Bradley Jones, OGC Re: FRN-FONSI Attached for Lost Creek exemption (1 page) <b>EX. 5</b>
2.	03/23/10	Email from Joan Olmstead, OGC to Bradley Jones, OGC Re: Agenda for call with EPA Office of Regional Counsel tomorrow Agenda (1 page) <b>Portion outside of scope, EX. 5</b>
3.	03/24/10	Email from Joan Olmstead, OGC to Bradley Jones, OGC Re: Summary of Call with Region 8 (1 page) <b>EX. 5</b>
4.	03/25/10	Email and attachment from Joan Olmstead, OGC to Patrice Bubar, FSME, et al. Re: Summary of OGCwithREG8.doc (2 pages) <b>EX. 5</b>
5.	03/25/10	Draft Fundamentals of NRC Regulatory Framework for NEPA (6 pages) <b>EX. 5</b>
6.	03/26/10	Draft Fundamentals of NRC Regulatory Framework for NEPA (7 pages) <b>EX. 5</b>
7.	03/26/10	Draft Fundamentals of NRC Regulatory Framework for NEPA (6 pages) <b>EX. 5</b>
8.	03/26/10	Draft NRC's NEPA Framework (8 pages) <b>EX. 5</b>
9.	03/26/10	Email and attachment from Joan Olmstead, OGC to Patrice Bubar, FSME, et al. RE: OGC edits on talking points (6 pages) <b>EX. 5</b>
10.	03/31/10	Email from Brad Jones, OGC to Joan Olmstead, OGC Re: Re: Meeting with EPA attorneys (2 pages) <b>EX. 5</b>
11.	03/31/10	Email from Joan Olmstead, OGC to Patrice Bubar, FSME FW: RE: Meeting with EPA attorneys (2 pages) <b>EX. 5</b>
12.	04/14/10	Email and attachment from John Hull, OGC to Brad Jones, OGC, et al. Re: FW: Subpart W issues (4 pages) <b>EX. 5</b>

13. 04/15/10 Draft GLE EIS (14 pages) **EX. 5**
14. 04/28/10 E-mail and attachment from Joan Olmstead, OGC to Andy Pessin, OGC Re: climate change issues (2 pages) **EX. 5**
15. 04/30/10 Draft GLE EIS (14 pages) **EX. 5**
16. 05/03/10 Draft B5.36.3 General Comments related to Migration Measures and Best Management Practices (1 page) **EX. 5**
17. 05/04/10 E-mail from Joan Olmstead, OGC to Bradley Jones, OGC Re: Transmittal of EPA Region 8 Comment to WDEQ re: Lost Creek UIC Class I permit (2 pages) **EX. 5**
18. 05/07/10 Draft B5.9.12 Groundwater Restoration Criteria and Methods (5 pages) **EX. 5**
19. 05/10/10 Draft Current Chapter 2 Outline (1 page) **EX. 5**
20. 05/10/10 Draft CLIMATE CHANGE IMPACT (4 pages) **EX. 5**
21. 5/11/10 Email and attachment from Joan Olmstead, OGC to John Hull, OGC Re: SEISgwatcommentrespsOGCjtheditsjwo5-11-10.docx (6 pages) **EX. 5**
22. 05/12/10 Email and attachments from Joan Olmstead, OGC to Bill VonTill, FSME Re: ACL appendix draft (5 pages) **EX. 5**
23. 05/12/10 Draft CLIMATE CHANGE IMPACT (4 pages) **EX. 5**
24. 05/12/10 Draft ACL Appendix (3 pages) **EX. 5**
25. 05/12/10 Draft ACL Appendix (2 pages) **EX. 5**
26. 05/12/10 Draft ACL Appendix (2 pages) **EX. 5**
27. 05/13/10 Email and attachment from Joan Olmstead, OGC to Bradley Jones, OGC Re: FW: Climate Change \_LCS-13.docx (5 pages) **EX. 5**
28. 05/13/10 Email and attachment from Andy Pessin, OGC to Joan Olmstead, OGC Re: Climate Change \_LC5-13.docx (5 pages) **EX. 5**
29. 05/14/10 Email from Bradley Jones, OGC to Joan Olmstead, OGC Re: re: DSEIS call with EPA Reg 8 (1 page) **EX. 5**
30. 05/14/10 Email from Joan Olmstead, OGC to Andy Pessin, OGC Re: Climate Change \_LC5-13.docx (1 page) **EX. 5**

31. 05/17/10 Draft 3.11 Socioeconomics (23 pages) **EX. 5**
32. 05/18/10 Draft Fundamentals of NRC Regulatory Framework for NEPA (7 pages) **EX. 5**
33. 05/18/10 Email and attachment from Joan Olmstead, OGC to Marcia Simon, OGC FW: NEPA Climate Change Lost Creek Pessin May 14 2010ogccom.docx (5 pages) **Portion outside of Scope, EX. 5**
34. 05/24/10 Draft 3.11 Socioeconomics (23 pages) **EX. 5**
35. 05/24/10 Draft B5.5.1 Description of the SEIS/GEIS Purpose and Need (4 pages) **EX. 5**
36. 05/24/10 Draft B5.5.1 Description of the SEIS/GEIS Purpose and Need (3 pages) **EX. 5**
37. 05/26/10 Draft Comment: N007-013 (1 page) **EX. 5**
38. 05/26/10 Draft Proposed Response for Comments that pertain only to the GEIS and not the SEIS (1 page) **EX. 5**
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46. 6/01/10 Draft 5.9.7 NRC NEPA Process Implementation (1 page) **EX. 5**
47. 06/02/10 Email from Joan Olmstead, OGC to Bradley Jones, OGC, et al. Re: Update on OGC comments to FSME on preliminary SEISs and calls with EPA Reg 8 (1 page) **EX. 5**

48. 06/03/10 Email from Joan Olmstead, OGC to Bradley Jones, OGC  
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49. 07/19/10 Email from Bradley Jones, OGC to Joan Olmstead, OGC  
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50. 03/04/10 E-mail from J. Hull, OGC to S. Cohen, FSME; Subject: RE: Lost  
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51. 05/04/10 E-mail from J. Olmstead, OGC to B. Jones, OGC; Subject: FW:  
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52. 03/10/10 E-mail from J. Olmstead, OGC to B. Jones, OGC; Subject: RE:  
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53. 03/10/10 E-mail from B. Von Till, FSME to B. Jones, OGC; Subject: RE: FYI  
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54. 03/11/10 E-mail from J. Olmstead, OGCC to B. Jones, OGC; Subject: RE:  
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55. 03/12/10 E-mail from J. Hull, OGC to S. Cohen, FSME; Subject: RE: FRN-  
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56. 03/12/10 E-mail from J. Hull, OGC to K. McConnell, FSME; Subject: RE:  
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57. 03/15/10 E-mail from A. Bjornsen, FSME to J. Olmstead, OGC, et al;  
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58. 03/16/10 E-mail from J. Hull, OGC to S. Cohen, FSME; Subject: RE: Lost  
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59. 03/18/10 E-mail from J. Olmstead, OGC to A. Kock, FSME; Subject: RE:  
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60. 03/18/10 E-mail from B. Jones, OGC to P. Bubar, FSME, et al; Subject: RE:  
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61. 03/22/10 E-mail from J. Olmstead, OGC to P. Bubar, FSME; Subject: RE:  
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62. 03/25/10 E-mail from P. Swain, FSME to J. Olmstead, OGC; Subject: Approach to Air Quality Issue. (2 pages) EX 5
63. 03/25/10 E-mail from P. LaPlante, CNWRA to J. Olmstead, OGC; Subject: EPA EIS Comment Letters. (85 pages) EX 5
64. 03/28/10 E-mail from J. Olmstead, OGC to P. Bubar, FSME, et al; Subject: RE: Request for Review Please. (2 pages) EX 5
65. 04/13/10 E-mail from K. Hsueh, FSME to J. Olmstead, OGC; Subject: FW: SEIS Summary Comments/Responses. (9 pages) EX 5
66. 04/18/10 E-mail from P. Swain, FSME to B. Von Till, FSME, et al; Subject: URB Help on SEISs. (15 pages) EX 5
67. 04/23/10 E-mail from P. Swain, FSME to J. Olmstead, OGC; Subject: Need OGC Input Summary comment/Response. (3 pages) EX 5
68. Undated E-mail re/Meeting Organized by P. Swain, FSME; Subject: SEIS Questions. (1 page) EX 5
69. 04/27/10 E-mail from J. Olmstead, OGC to P. Swain, FSME, et al; Subject: RE: Question Regarding a Specific Comment. (1 page) EX 5
70. 04/27/10 E-mail from J. Olmstead, OGC to K. McConnell., FSME; Subject: RE: Question Regarding a Specific Comment. (2 pages) EX 5
71. 04/29/10 E-mail from J. Olmstead, OGC to A. Pessin, OGC; Subject: FW: DRAFT Climate change Section. (27 pages) EX 5
72. 05/07/10 E-mail from P. Swain, FSME to J. Olmstead, OGC; Subject: FW: Bin 5.4.6. (5 pages) EX 5
73. 05/09/10 E-mail from P. Swain, FSME to J. Olmstead, OGC, et al; Subject: Proposal for How to Incorporate New Alternative Writeups. (2 pages) EX 5
74. 05/11/10 E-mail from J. Olmstead, OGC to P. Swain, FSME, et al; Subject: RE: SEISgwatcommentrespsOGCjtheeditsjwo5-11-10.docx. (4 pages) EX 5
75. 05/12/10 E-mail from J. Olmstead, OGC to B. Von Till, FSME, et al; Subject: RE: RE: ACL appendix draft. (4 pages) EX 5
76. 05/13/10 E-mail from A. Bjornsen, FSME to J. Olmstead, OGC; Subject: Emission Estimates. (24 pages) EX 5
77. 05/15/10 E-mail from P. Swain, FSME to J. Olmstead, OGC; Subject: OGC "Wish" List. (9 pages) EX 5

78. 05/17/10 E-mail from K. McConnell, FSME to P. Swain, FSME, et al; Subject: RE: OGC "Wish" List. (8 pages) **EX 5**
79. 05/17/10 E-mail from P. Swain, FSME to J. Olmstead, OGC; Subject: FW; OGC "Wish" List. (9 pages) **EX 5**
80. 05/18/10 E-mail from J. Olmstead, OGC to C. Safford, OGC; Subject: RE: Mitigation of Project-Related Emissions. (2 pages) **EX 5**
81. 05/19/10 E-mail from P. Swain, FSME to J. Olmstead, OGC; Subject: RE: Question regarding NRC Regulatory Framework. (4 pages) **EX 5**
82. 05/20/10 E-mail from J. Olmstead, OGC to J. Hull, OGC; Subject: RE: EPA Comments on DRAFT Proposed NRC Regulation for Groundwater Protection at ISL/ISRs. 2 pages) **EX 5**
83. 05/24/10 E-mail from B. Jones, OGC to J. Olmstead, NRC; Subject: RE: Talked with Joan. (3 pages) **Portion Outside of Scope, EX 5**
84. 05/26/10 E-mail from K. Hsueh, FSME to J. Olmstead, OGC; Subject: RE: June 2 304:30 Conference Call with EPA. (1 page) **EX 5**
85. 06/01/10 E-mail from K. Hsueh, FSME to J. Olmstead, OGC, et al; Subject: Conference Call tomorrow with EPA. R8 3:00 to 4:30 ET (T8C5c). (1 page) **EX 5**
86. 06/03/10 E-mail from K. Hsueh, FSME to J. Olmstead, OGC; Subject: RE: RE; Conf Call with EPA. R8 Regional counsel (1 page) **EX 5**
87. 06/04/10 E-mail from J. Olmstead, OGC to B. Jones, OGC; Subject: FW: RE; Conf Call with EPA. R8 Regional counsel (1 page) **EX 5**
88. 06/11/10 E-mail from J. Olmstead, OGC to B. Von Till, FSME; Subject: RE: EPA Comments –NRC Guidance. (1 page) **EX 5**
89. 07/22/10 E-mail from J. Olmstead, OGC to A. Bjornsen, FSME; Subject: RE: Proposed MOU for EPA cooperative agency status on Dewey-Burdock SEIS development. (1 page) **EX 5**