

Remsburg, Kristy

From: Skeen, David *NKR*
Sent: Monday, July 12, 2010 1:40 PM
To: Jones, Bradley
Cc: Pessin, Andrew; Olmstead, Joan; Scott, Catherine; Hsueh, Kevin
Subject: RE: QUERY: Cooperating agency?

Categories: ELCP

Thanks for the timely response, Brad. We appreciate OGC's legal advice.

We will move forward to discuss with EPA R8 the potential for them to become a cooperating agency.

From: Jones, Bradley *OGC*
Sent: Monday, July 12, 2010 1:22 PM
To: Skeen, David
Cc: Pessin, Andrew; Olmstead, Joan; Scott, Catherine
Subject: RE: QUERY: Cooperating agency?

David,

(b)(5)

Brad Jones

Bradley W. Jones
Assistant General Counsel for
Reactor and Materials Rulemaking

***** ATTORNEY-CLIENT/ATTORNEY WORK-PRODUCT DOCUMENT --- NOT FOR PUBLIC DISCLOSURE *****

From: Skeen, David *NKR*
Sent: Thursday, July 08, 2010 6:41 PM
To: Jones, Bradley; Scott, Catherine
Subject: QUERY: Cooperating agency?

Brad/Cathy,

I need some legal help here on a couple of issues.

EPA Region 8 has expressed an interest in being a cooperating agency with the NRC on the Dewey-Burdock SEIS review. Larry Camper believes this is a good idea because it shows two federal agencies can work together to achieve a common goal. He also believes that an MOU is not necessary, as long as we document in a letter our expectations for what work we need from EPA Region 8 and the schedule for when we need it, AND as long as EPA Region 8 agrees. If we have to go through the MOU process, I don't think we could get it

done in a timely manner (could take up to a year or so) which would not meet our schedule for completing the SEIS review.

What do you think of the letter approach? Is it do-able?

My other question is on conflict of interest. Since EPA Region 8 usually rates our SEISs in this part of the country, is there a potential conflict of interest if EPA Region 8 becomes a cooperating agency for the SEIS? As a cooperating agency, EPA R8 is expected to provide input to and review/comment on the draft SEIS. Therefore, they should not be a rater in this case. Larry believes that in this case, EPA HQ would be the rater, thus EPA Region 8 could still be a cooperating agency if they did not fill the additional role as the rater.

I look forward to hearing from you.

Thanks!