

**From:** Jensen, JohnT [John.Jensen@dm.usda.gov]  
**Sent:** Tuesday, November 06, 2012 3:06 PM  
**To:** markroberts1@earthlink.net; Roberts, Mark  
**Subject:** FW: BARC property jurisdiction

The email from Linda Wurzberger, Chief of the Real Property Management Branch at the Beltsville Agricultural Research Center, confirms that the LLRBS is an area of exclusive Federal jurisdiction. Please let me know if you have any questions.

John T. Jensen  
Chief  
Radiation Safety Division  
Office of Homeland Security and Emergency Coordination  
Departmental Management  
United States Department of Agriculture  
5601 Sunnyside Avenue, MS 5510  
Beltsville, MD 20705  
301-504-2441 (o)  
202-657-9043 (m)

---

**From:** Jovanovich, Pete  
**Sent:** Tuesday, November 06, 2012 3:01 PM  
**To:** Jensen, JohnT; Wurzberger, Linda  
**Cc:** Joyner, Claudette; Jackson, Dana; Mather, Cal  
**Subject:** FW: BARC property jurisdiction

John.  
Please see Linda's response below. Thanks Linda!  
Pete

---

**From:** Wurzberger, Linda  
**Sent:** Tuesday, November 06, 2012 2:34 PM  
**To:** Jovanovich, Pete  
**Subject:** RE: BARC property jurisdiction

Hi Pete,

Yes, BARC is an area of Exclusive Federal Jurisdiction.  
Let me know if you need anything else.  
Thanks, Linda

*Dr. Linda B. Wurzberger*  
Chief Real Property Management Branch  
Facilities Division  
5601 Sunnyside Avenue  
Beltsville, MD 20705-5123  
Voice: 301-504-1228  
Blackberry: 240-431-9598  
Fax: 301-504-1236

email: [linda.wurzberger@ars.usda.gov](mailto:linda.wurzberger@ars.usda.gov)

**From:** Jovanovich, Pete  
**Sent:** Tuesday, November 06, 2012 2:15 PM  
**To:** Wurzberger, Linda  
**Subject:** FW: BARC property jurisdiction

fyi

**From:** Jensen, JohnT  
**Sent:** Monday, November 05, 2012 3:45 PM  
**To:** Joyner, Claudette  
**Cc:** Jackson, Dana; Jovanovich, Pete  
**Subject:** RE: BARC property jurisdiction

The NRC has asked me whether ARS can confirm that BARC (specifically the LLRBS) is an area of Exclusive Federal Jurisdiction. This is to determine whether the State of MD Radiological Health Program has any jurisdiction over the contractors we use to clean-up this site.

The NRC defines an area of exclusive Federal jurisdiction as an area over which the Federal government exercises legal control without interference from the jurisdiction and administration of State law. The creation of an area of exclusive Federal jurisdiction occurs as a result of State consent at the time the Federal government acquires control over the land.

Sorry to bother you about this but this is one of those procedural issues they would like to clarify and the State of MD has asked them about it. Please let me know if you have any questions.

John T. Jensen  
Chief  
Radiation Safety Division  
Office of Homeland Security and Emergency Coordination  
Departmental Management  
United States Department of Agriculture  
5601 Sunnyside Avenue, MS 5510  
Beltsville, MD 20705  
301-504-2441 (o)  
202-657-9043 (m)

**From:** Joyner,  
**Sent:** Thursday, November 01, 2012 3:48 PM  
**To:** Jackson, Dana; Jensen, JohnT; Jovanovich, Pete  
**Cc:** Obineme, Christian  
**Subject:** RE: BARC property jurisdiction

Good afternoon John,

That is my interpretation based on information provided of the LLRB location. Also, conveyed in subject documents some rights-of ways show in Deed L 401 P100. PEPCO does have an exception of the Transmission Line right-of-way in this document but shown in the attached deed conveys 31 parcels in fee simple and four easements/right-of-ways from Rowland and Lygia Bortner to PEPCO on the opposite side away from the LLRB location. Based on drawings PEPCO's ownership on that side does not interfere with the LLRB location provided.

**Claudette Joyner**, Realty Specialist  
Real Property Section  
USDA, Agricultural Research Service  
Henry A. Wallace Beltsville Agriculture Research Center  
10300 Baltimore Avenue, Building 003, Room 308 BARC-West  
Beltsville, MD 20705  
☎ 301.504.5221 (Voice)  
📠 301.504.5556 (Fax)



---

**From:** Jackson, Dana  
**Sent:** Thursday, November 01, 2012 2:47 PM  
**To:** Jensen, JohnT; Jovanovich, Pete; Joyner, Claudette  
**Subject:** RE: BARC property jurisdiction

Nope...as far as EPA is concerned we own the farm.

---

**From:** Jensen, JohnT  
**Sent:** Thursday, November 01, 2012 2:44 PM  
**To:** Joyner, Claudette; Jackson, Dana  
**Subject:** RE: BARC property jurisdiction

These documents appear to infer that USDA has sole ownership of the property and there is no on-going interest or jurisdictional authority by the State of Maryland or Prince Georges County. Is that your interpretation or understanding?

Dana: Has EPA ever asked about this issue?

John T. Jensen  
Chief  
Radiation Safety Division  
Office of Homeland Security and Emergency Coordination  
Departmental Management  
United States Department of Agriculture  
5601 Sunnyside Avenue, MS 5510  
Beltsville, MD 20705  
301-504-2441 (o)  
202-657-9043 (m)

---

**From:** Joyner, Claudette  
**Sent:** Thursday, November 01, 2012 2:31 PM  
**To:** Jensen, JohnT  
**Cc:** Jackson, Dana; Obineme, Christian  
**Subject:** RE: BARC property jurisdiction

Good afternoon John,

I have enclosed a copy of your requested information of the north farm property where the LLRBS is located. I could not merge document due to a security restriction when downloading off line. Please feel free to contact me if you have any additional request. Claudette

**Claudette Joyner**, Realty Specialist  
Real Property Section  
USDA, Agricultural Research Service  
Henry A. Wallace Beltsville Agriculture Research Center  
10300 Baltimore Avenue, Building 003, Room 308 BARC-West  
Beltsville, MD 20705  
☎ 301.504.5221 (Voice)  
📠 301.504.5556 (Fax)



---

**From:** Jensen, JohnT  
**Sent:** Wednesday, October 31, 2012 2:09 PM  
**To:** Joyner, Claudette  
**Cc:** Jackson, Dana  
**Subject:** RE: BARC property jurisdiction

I hope you got through the storm ok. I am sure you are busy trying get BARC back in business and recover from the storm. Please let me know if you can get any documentation on whether BARC (and the radioactive waste burial site) is exclusive federal jurisdiction or if the State has retained any authority at BARC. The Nuclear Regulatory Commission and the State of MD have asked me to provide some documentation. Thanks.

---

**From:** Joyner, Claudette  
**Sent:** Friday, October 26, 2012 10:54 AM  
**To:** Jensen, JohnT  
**Cc:** Jackson, Dana  
**Subject:** RE: BARC property jurisdiction

Ok, I will look first thing on Thursday. Thanks Claudette

---

**From:** Jensen, JohnT  
**Sent:** Friday, October 26, 2012 10:52 AM  
**To:** Joyner, Claudette  
**Cc:** Jackson, Dana  
**Subject:** RE: BARC property jurisdiction

Not urgent – if you can look into it when you get back in that would be great.

John T. Jensen  
Chief  
Radiation Safety Division  
Office of Homeland Security and Emergency Coordination  
Departmental Management  
United States Department of Agriculture  
5601 Sunnyside Avenue, MS 5510  
Beltsville, MD 20705  
301-504-2441 (o)

202-657-9043 (m)

---

**From:** Joyner, Claudette  
**Sent:** Friday, October 26, 2012 10:51 AM  
**To:** Jensen, JohnT  
**Cc:** Jackson, Dana  
**Subject:** RE: BARC property jurisdiction

Good morning,

I am teleworking off site today. I will be in training the next few days and will not return to the office until Thursday, November 1st. Please let me know when you need this information. Thanks Claudette

---

**From:** Jensen, JohnT  
**Sent:** Friday, October 26, 2012 9:58 AM  
**To:** Joyner, Claudette  
**Cc:** Jackson, Dana  
**Subject:** RE: BARC property jurisdiction

The State of MD wants to be certain that BARC does not have any ties to the State (apparently some Federal facilities have arrangements that land will be returned to the State.) Anything you can provide would be helpful. Thanks.

John T. Jensen  
Chief  
Radiation Safety Division  
Office of Homeland Security and Emergency Coordination  
Departmental Management  
United States Department of Agriculture  
5601 Sunnyside Avenue, MS 5510  
Beltsville, MD 20705  
301-504-2441 (o)  
202-657-9043 (m)

---

**From:** Jackson, Dana  
**Sent:** Friday, October 26, 2012 9:02 AM  
**To:** Joyner, Claudette  
**Cc:** Jensen, JohnT  
**Subject:** Fwd: BARC property jurisdiction

Claudette: BARC has been asked to provide proof of ownership related to the north farm property where the LLRBS is located. Would you be able to send that information to John please. Thanks in advance.

Regards,  
Dana

Sent from my iPhone

Begin forwarded message:

**From:** "Jensen, JohnT" <[John.Jensen@dm.usda.gov](mailto:John.Jensen@dm.usda.gov)>  
**Date:** October 26, 2012 8:33:36 AM EDT  
**To:** "Jackson, Dana" <[Dana.Jackson@ARS.USDA.GOV](mailto:Dana.Jackson@ARS.USDA.GOV)>  
**Subject:** BARC property jurisdiction

The State of MD is asking NRC if there is any documentation that can be provided that shows that BARC is Federal property with no State jurisdiction or ownership. Mark pulled some stuff off the BARC website but was wondering if we have anything that he can send them.

John T. Jensen  
Chief  
Radiation Safety Division  
Office of Homeland Security and Emergency Coordination  
Departmental Management  
United States Department of Agriculture  
5601 Sunnyside Avenue, MS 5510  
Beltsville, MD 20705  
301-504-2441 (o)  
202-657-9043 (m)

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.