

From: Alan Jacobson [ajacobson@mde.state.md.us]
Sent: Thursday, November 08, 2012 12:37 PM
To: Roberts, Mark
Subject: Re: FW: BARC property jurisdiction

Mark,

Thank you for all of the information on this important project. I have reviewed the draft copy of the Environmental Assessment. I have no further comments or concerns at this time.

Alan Jacobson, Chairman
Organization of Agreement States
Health Physicist Supervisor
Maryland Department of the Environment
410-537-4422 office
410-979-0642 cell

>>> "Roberts, Mark" <Mark.Roberts@nrc.gov> 11/7/2012 9:00 AM >>>

Alan,

On October 23, 2012, I forwarded a draft copy of the Environmental Assessment (EA) and Finding of No Significant Impact for approval of the Decommissioning Plan for the United States Department of Agriculture's (USDA) Low-Level Radioactive Burial Site (LLRBS) at their Beltsville Agricultural Research Center (BARC) in Beltsville, MD. The Decommissioning Plan will eventually be incorporated into an amendment of the USDA's NRC license. Based on your initial review, you had a question regarding "exclusive federal jurisdiction" of the Beltsville Agricultural Research Center. I contacted the USDA's RSO who provided the attached response confirming that the USDA Beltsville Agricultural Research Center is an area of exclusive jurisdiction. As we discussed today, please send me an E-mail confirming your review so that I can document the Maryland Department of the Environment's comments and I can proceed with approval from our Office of the General Counsel and get the EA published in the Federal Register.

As we also discussed, I will let you know when we finally approve the Decommissioning Plan and when we intend to perform site inspections. The USDA expects the project to go well into 2013.

Again, thank you for your review.

Mark C. Roberts, CHP
Senior Health Physicist
Region I
Division of Nuclear Materials Safety
(610) 337-5094

From: Jensen, JohnT [mailto: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
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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



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
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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)



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
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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
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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
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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
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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>
Date: October 26, 2012 8:33:36 AM EDT
To: "Jackson, Dana" <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 web-site but was wondering if we have anything that he can send them.

John T. Jensen
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