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RON CURRY  
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Deputy Secretary

July 2, 2008

Mr. Larry Camper  
Director, Division of Waste Management and Environmental Protection  
U.S. Nuclear Regulatory Commission  
Office of Federal and State Materials and Environmental Management Programs  
Mail Stop T-8F5  
11545 Rockville Pike  
Rockville, MD 20852-2738

RE: Interagency Relations for the Homestake Mining Company Uranium Millsite Corrective Action

Dear Mr. Camper:

I am writing to express concern about NRC's lack of cooperation with regulatory agencies that are involved in ongoing remedial activities at the Homestake Mining Company uranium millsite in Milan, New Mexico.

In response to community requests at a previous public meeting on this site, managers from U.S. Environmental Protection Agency (EPA) joined us at a public meeting on September 17, 2007, at which we pledged publicly to cooperate in the regulatory oversight of the ongoing site remediation with the common goal of protecting human health and the environment. Approximately one month later, the Superfund Oversight Section (SOS) of the New Mexico Environment Department (NMED) wrote a letter to EPA requesting that EPA conduct a comprehensive optimization review of the ground water remedial systems currently operating on this site. EPA normally conducts such reviews only on fund-lead NPL sites, but nevertheless agreed to undertake a review at its expense, and identified a contractor without any previous business ties to your licensee to perform this task.

NMED made this request to EPA in response to repeated comments over several years from citizens living in the vicinity of the millsite, who questioned the efficacy of these remedial systems. Both NMED and EPA believe that this review will benefit NRC efforts for this site by providing a comprehensive review, by a disinterested third party, of the remedial systems that the licensee has developed incrementally over the span of more than 20 years. NMED has specified to EPA that the scope of this review should be forward-looking, in the sense that it should seek to identify possible remedial improvements or efficiencies, as opposed to identifying and

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critiquing possible errors from the past. Of current and specific interest to the NRC is the pending application by the licensee to install a third evaporation pond, the need for which also would be examined as part of this optimization review.

NMED thinks that this review could bolster the public's view of the credibility of this ongoing remedial effort, and could benefit the licensee by potentially identifying cost and operational efficiencies for site closure—a "win/win" outcome for all involved. Unfortunately, attempts by both NMED and EPA to involve the current NRC technical team in this effort have been rebuffed, for reasons that are not quite clear. I am deeply concerned that the prevalence of this attitude by NRC against this study could widen the mistrust that the public often has expressed toward the regulatory agencies in general, and towards the NRC in particular.

The EPA is scheduling a public meeting on July 15, 2008, at which one topic of discussion will be this remedial optimization review. The NRC technical team has declined to participate in this meeting thus far, reportedly because of the inclusion of this topic on the agenda. I would urge that NRC reconsider its positions both on the optimization review and on NRC attendance at this upcoming public meeting.

Please call me at (505) 827-1758 if you would like to discuss this issue with me further.

Sincerely,



Marcy Leavitt, Director  
Water and Waste Management Division

cc: Jon Goldstein, Deputy Secretary, NMED  
Don Williams, EPA Region 6  
Dana Bahar, Program Manager, SOS