

Homestake Executive Steering Committee
October 19, 2011- 10 AM Meeting Minutes
New Mexico Environment Department
Runnels Building, Santa Fe, NM

ESC Members

Larry W. Camper, NRC
Samuel Coleman, EPA
Dave Martin, NMED

Other Attendees:

Bruce A. Watson, CHP, NRC
Charles Faultry, EPA
Butch Tongate, NMED
James H. Davis, Ph.D., NMED
Jerry Schoeppner, NMED
Dana Bahar, NMED

Meeting Discussion

After thanking all attendees and Secretary Dave Martin for hosting the meeting, Mr. Camper began the discussion on the status of the 1993 NRC/EPA MOU for the Homestake Mining Company (HMC) Site in Milan, New Mexico. Mr. Camper discussed the equivalencies of NRC's 10 CFR 40, Appendix A and EPA's 40 CFR Part 192. In developing the MOU, NRC and EPA agreed that conformance with 10 CFR 40, Appendix A will assure conformance with EPA's CERCLA requirements. In accordance with the MOU, NRC is the lead regulator with EPA in a monitoring mode. However, over the past few years, EPA has been directly contacting HMC on the Remedial System Evaluation (RSE) and local home radon monitoring. Since the June 8, 2011 conference call with EPA, Mr. Camper made it clear that having multiple regulators for the site is not good government and was impacting HMC in completing the revised Corrective Action Plan (CAP) to complete the site remediation for closure and transfer to the Department of Energy for long term stewardship. Since transferring the HMC site to NRC in 1986, NMED is responsible approval of discharge permits in accordance with State requirements. Mr. Camper discussed deferral of the lead regulatory authority to EPA and that this has precedent with the NRC deferral of Lake City Army Ammunition Plant in Independence, Missouri to EPA to complete the remediation.

Mr. Watson described the monitoring role NRC has with US Army Corp of Engineer projects around the country. In the monitoring role, NRC reviews and comments on specific USACE project remediation plans and procedures to ensure compliance with NRC decommissioning regulatory requirements. Further, NRC deals directly with the USACE on technical and safety issues and not the licensee. In accordance with the HMC MOU, NRC expects a similar process to be followed by EPA with EPA providing comments to the NRC. NRC expects that both EPA and NMED would provide comments on the revision to the HMC CAP to complete the site remediation. NRC has been expecting HMC to submit the revised CAP during past year.

However, HMC resources have been redirected to address EPA RSE recommendations for the site. The NRC views the revised CAP as the critical licensing action to ensure the site remediation will be remediated to both NRC and EPA requirements.

Mr. Camper noted that NRC does not agree with the EPA deficiencies identified in the EPA letter of July 8, 2011 and was prepared to discuss the technical basis for NRC bases that HMC was compliant with NRC and its license requirements. Mr. Camper explained the process and time that would be followed to obtain NRC Commission approval to defer the site to EPA.

Mr. Coleman expressed his concerns over the deferral process; the administrative, resources and time that would be needed by EPA to issue a consent decree and become the lead agency. Mr. Coleman was concerned that the transfer of responsibility could take as long as a year and this would not allow for efficient nor expeditious regulatory oversight of the site cleanup. Mr. Coleman discussed EPA fly-over radiological measurements in the Grants Mineral Belt area and substantiated that the HMC tailings pile has been significantly remediated. NRC stated that only a small fraction of the residual radioactivity remained in the tailings pile, NRC also noted that with HMC placing Pond 3 into operation last December, the remediation rate should also improve. Mr. Coleman agreed to provide the fly-over report to NRC and NMED. Mr. Coleman also discussed in-home radon issues in the Milan area and the situation with New Mexico Environment Department's Radon Program's funding limited to supporting only a few demonstration projects.

After much discussion on deferring the site to EPA, it was agreed by all agencies that NRC would remain the lead regulatory agency with EPA in the monitoring role. It was agreed that the revised HMC CAP was the critical item needed to complete the site remediation and ensure compliance with all regulatory requirements. NRC noted that the CAP would be incorporated into the HMC License by reference in a license amendment and would be the compliance document by the NRC inspections and enforcement process. It was agreed that the following actions would be taken.

With regards to the Revised HMC CAP:

1. EPA will provide to NRC any outstanding CERLA requirements that EPA believes need to be addressed to close the facility. NMED will address any permit issues. NRC made it clear that only regulatory requirements can be required of the licensee to address. Recommendations in the RSE, such as performing pilot studies, were beyond the statutory authority of NRC. EPA and NRC also agreed to hold a separate meeting if necessary to discuss inconsistencies with CERLCA and 10 CFR Part 40, Appendix A. To address any EPA and NMED outstanding requirements, the NRC will draft a letter for all three agencies to be signatories for submittal to HMC. Mr. Camper stated that he will need to consult with the Office of General Counsel for legal advice on the multi-agency letter.

2. Mr. Coleman requested a meeting with NRC to be held in Washington, DC to discuss radon standards and radiological measurements differences of the two agencies to demonstrate cleanup criteria. Mr. Camper agreed that a meeting should be scheduled in December.
3. In the first quarter of CY 2012, Mr. Camper will schedule a facilitated public meeting near the HMC site to discuss each of the agencies roles with respect to the HMC site. It was noted that this would also be an opportunity to invite public comments on the revised HMC CAP and the NRC process for making comments.

Other actions to be taken:

4. Mr. Coleman will issue a consent decree to resolve past costs with HMC.
5. HMC has agreed to prepare a technical evaluation for the feasibility of moving the tailings pile to another location. NRC will solicit comments from both EPA and NMED on the HMC evaluation.
6. The State of New Mexico Radon Program Coordinator will work with local residents and EPA on radon mitigation in selected homes in the Village of Milan. While all parties agree that there is not sufficient radon data that indicates that the source of elevated radon levels in the selected homes is from the HMC tailings pile and the remediation operations, EPA and NMED will continue discussions with HMC to obtain funding to remediate the selected homes separate from the site specific issues, including the revised CAP review.
7. Mr. Coleman will provide NRC and NMED with the EPA fly-over radiological report for the Grants area.

The meeting concluded at 12:00 PM.

/RA/

Bruce A. Watson, CHP
Chief, Reactor Decommissioning Branch
US Nuclear Regulatory Commission
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