

United States Senate

WASHINGTON, DC 20510

February 27, 2014

Ms. Rebecca Schmidt
Director
Nuclear Regulatory Commission
Office of Congressional Affairs
1717 H Street
Washington, DC 20555-0001

Dear Ms. Schmidt:

My constituent, Ms. Candace Head-Dylla, liaison for the Bluewater Valley Downstream Alliance (BVDA), recently wrote to me on behalf of the community adjacent to the Homestake Superfund Site north of Milan, NM.

As you know, this site is in the process of license decommissioning by the Nuclear Regulatory Commission (NRC) under the Uranium Mill Tailings Radiation Control Act, while the Environmental Protection Agency (EPA) is actively fulfilling its requirements under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

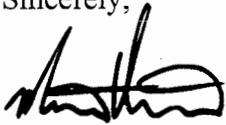
In her letter, Ms. Head-Dylla expresses concern about the cooperation of the NRC with the EPA. I understand that the NRC is in the process of revising the Corrective Action Plan (CAP) just as EPA works toward a Record of Decision. The timely coordination between agencies is critical to both the decommissioning of the site and delisting from the National Priorities List. The Office of the Inspector General 2011 audit recommended that the NRC coordinate closely with the EPA for more effective regulatory oversight.

In light of that recommendation, I ask that you please provide a status report on any performance measures instituted to ensure compliance with the NRC-EPA Homestake site Memorandum Of Understanding (MOU).

Furthermore, I urge the NRC to consider engaging community stakeholders through frequent communication with their designated leadership as well as through regular public meetings. This community has shouldered a burden of contamination from our nation's uranium mining legacy, and community members deserve to understand and inform the efforts of federal agencies.

Please respond directly to Ms. Head-Dylla, and provide Dr. Katie Richardson at katie_richardson@heinrich.senate.gov in my office with a copy. The protection of human health and the water source for these communities must be foremost in our minds. I thank you for your response to Ms. Head-Dylla's letter and look forward to working with you to remediate the environmental and health impacts of uranium mining in New Mexico.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin Heinrich", with a stylized flourish at the end.

MARTIN HEINRICH
United States Senator

January 20, 2014

Senator Martin Heinrich
625 Silver Avenue SW, Ste. 130
Albuquerque, N.M. 87102

Dear Senator Heinrich,

The Bluewater Valley Downstream Alliance (BVDA), a core member of the Multicultural Alliance for a Safe Environment (MASE), hereby requests your assistance in helping our community, located adjacent to the Homestake-Barrick Gold Superfund site north of Milan, New Mexico, move forward on a cleanup of the uranium mill tailings that have contaminated our soil, air, and water for over forty years now. In order to solve the problem, we need to move the uranium tailings pile out of our community to a repository where it can be safely monitored.

One of the main impediments to a full cleanup of our site has been the Nuclear Regulatory Commission's (NRC's) disregard for the health of community members and their unwillingness to consider technical opinions from anyone other than the perpetrator and owner of the site, Homestake-Barrick Gold.

NRC has not only ignored the December 2010 Focused Review of Specific Remediation Issues report by the U.S. Army Corps of Engineers advising Homestake-Barrick Gold to stop the flushing at the site; it has allowed the company to continue wasting New Mexico water on the failed flushing. Now it is also considering allowing Homestake-Barrick Gold to move the company's radon monitoring stations to a more contaminated location in order to undercut the findings from the Environmental Protection Agency's (EPA's) Human Health and Risk Assessment (HHRA) report. The HHRA report shows our community is being exposed to radon at more than 18 times the EPA's acceptable limits. Homestake-Barick Gold's answer to that report is a request, which NRC will likely support, to simply change the radon background so our community does not seem to be in as much danger.

The United States Inspector General's report on the Homestake Barrick Gold site found, and recent correspondence, which we will attach, verifies, that the NRC is not working cooperatively or effectively with its colleagues in the EPA. At one point, NRC offered EPA the lead on the site, only to rescind that offer about a month ago. We believe NRC wants to keep the lead in order to support Homestake-Barrick Gold, with whom they seem to have a special rapport.

The NRC rubberstamps everything Homestake-Barrick Gold sends them. The evidence is clear and readily available in public documents on the ADAMS site. After more than a year, the NRC has still not responded to BVDA/MASE comments on the Corrective Action Plan that actually should have been approved or denied many years ago. In the meantime, water and taxpayer dollars are being wasted, health impaired, with no significant improvements at the site.

We ask you for a full investigation of this failed remediation in order to begin to restore New Mexico waters, protect our community's health from further damage, and prevent additional impacts on our environment.

We look forward to your planned visit in March and believe it will provide a more complete understanding of the environmental and health issues our community faces due to the uranium

tailings we live with every day. During your visit we hope to develop a collaborative plan of action for addressing our concerns. Your leadership will be essential to find real solutions for the contamination that is part of the environmental legacy of nuclear weapons production. This issue not only impacts the health of our community, but also takes water from New Mexico daily that future generations can ill afford to lose. We appreciate the interest your staff has shown, the time Katie Richardson has taken to understand this issue, and look forward to your help with what seems an almost intractable situation.

Sincerely,

Candace Head-Dylla, BVDA Liaison
6 Ridgeruner Rd.
Grants, NM 87020
505-401-4349

United States Senate
WASHINGTON, DC 20510-3104

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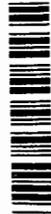
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