

JUN 22 1989

MEMORANDUM FOR: A. Bill Beach, Director  
Division of Radiation Safety  
and Safeguards, RIV

FROM: John T. Greeves, Acting Director  
Division of Low-Level Waste Management  
and Decommissioning, NMSS

SUBJECT: MEMORANDUM OF UNDERSTANDING WITH EPA REGION VI,  
HOMESTAKE URANIUM MILL

By memorandum dated May 5, 1989, a copy of a draft Memorandum of Understanding (MOU) was transmitted for coordinated Headquarters Review and comment. This MOU was developed by the staffs of Region IV, NRC and Region VI, EPA to deal with our concurrent jurisdictions at the Homestake Mining Company's uranium mill near Milan, New Mexico. As requested, Headquarters staff (OGC and LLWM) has reviewed the MOU and offers three specific comments, as follows:

1. The MOU, as written, does not provide sufficient background information on the site history, current reclamation plans, EPA involvement at the site and future plans to facilitate a clear understanding of the MOU's objectives or the roles of NRC and EPA at the site. On June 2 and 8, 1989, headquarters and URFO staff discussed the purpose, scope and roles of NRC and EPA which clarified our understanding of the MOU's objectives but reinforced our belief that the MOU needed additional background material. Therefore, we recommend that the background section of the MOU be modified or that a background section be appended to the proposed MOU to facilitate its present and future understanding and implementation.
2. As discussed in the June 8, 1989 conference call, we recommend that the MOU should state the conditions necessary for delisting the Homestake site from the EPA's National Priorities List. As agreed during this conference call, OGC has suggested the following wording for this modification:

"After completion of the closure of the disposal area and other remedial measures undertaken in full compliance with: the appropriate NRC regulation, 10 CFR Part 40, Appendix A (the applicable Federal standards for on-site response); the appropriate EPA regulation, 40 CFR 300.66 (c)(7); and in consultation with the State of New Mexico, shall determine that the responsible party (Homestake) has implemented all appropriate response actions required

with respect to the site. Following such determination the site will be deleted from the National Priorities List."

An informal copy of this paragraph was telefaxed to R.D. Smith, URFO on June 12, 1989.

3. Finally, we recommend all reference to off-site radon should be eliminated from the Homestake MOU if, as indicated by R. Dale Smith in the June 8 conference call, a case can be made that the off-site radon being investigated by EPA is not related to the Homestake site, but is ambient or naturally occurring.

If you have any questions concerning the above comments please contact me or Paul Lohaus of my staff at FTS 492-0553.

## ORIGINAL SIGNED BY

John T. Greeves, Acting Director  
Division of Low-Level Waste Management  
and Decommissioning, NMSS

cc: R. Dale Smith, URFO

(LLWM-89-041)  
Distribution: Central File # Docket No. 4008903 NMSS r/f  
Plohaus JGreeves MBell JAustin JSurmeier  
SWastler MFliegel RFonner RDSmith, URFO LLOB r/f  
*K Dragonette*

PDR Yes ☒ No ☐ Proprietary ☐ or CF Only ☐  
ACNW Yes ☒ No ☐

SUBJECT ABSTRACT: COMMENTS ON HOMESITE MOU

OFC : LLOB : LLOB : LLOB : OGC : LLWM : LLWM :  
NAME : SWastler/es: MFliegel: Plohaus : RFonner : MBell : JGreeves :  
DATE : 6/12/89 : 6/12/89 : 6/12/89 : 6/14/89 : 6/14/89 : 6/20/89 :  
*no legal objection*

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