

Amendment

To

MEMORANDUM OF UNDERSTANDING  
BETWEEN REGION VI OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY  
AND REGION IV OF THE U.S. NUCLEAR REGULATORY COMMISSION  
FOR REMEDIAL ACTION AT THE HOMESTAKE MINING COMPANY URANIUM MILL  
IN CIBOLA COUNTY, NEW MEXICO

The following administrative changes are proposed to the Memorandum of Understanding to reflect the current organizational structures of the NRC and EPA:

(1) Title:

MEMORANDUM OF UNDERSTANDING  
BETWEEN REGION 6 OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY  
AND ~~REGION IV~~ OF THE U.S. NUCLEAR REGULATORY COMMISSION  
FOR REMEDIAL ACTION AT THE HOMESTAKE MINING COMPANY URANIUM MILL  
IN CIBOLA COUNTY, NEW MEXICO

(2) Section I – Purpose

This document establishes the roles, responsibilities, and relationships between Region 6 of the U.S. Environmental Protection Agency (EPA) and ~~Region IV~~ of the U.S. Nuclear Regulatory Commission (NRC), hereinafter collectively referred to as the “Parties,” regarding remedial action at the Homestake Mining Company (HMC) uranium mill in Cibola County, New Mexico. The Parties have overlapping authority in connection with this site and, consistent with the purposes of the March 16, 1992, interagency Memorandum of Understanding between EPA and NRC entitled “Guiding Principles for EPA/NRC Cooperation and Decision Making,” this Memorandum of Understanding (MOU) will help assure that remedial actions occur in a timely and effective manner.

(3) Section III – Background

The State of New Mexico was responsible as an “Agreement State” for licensing and regulating uranium mills within the State until June 1, 1986, at which time, NRC reassumed this authority at the request of the Governor of New Mexico. Prior to this change, EPA had placed the HMC site on the National Priority List (NPL) of sites for response action under CERCLA. EPA’s policy is to list only those uranium mills meeting criteria for placement on the NPL which are located in Agreement States, i.e., States which have entered into agreements with NRC pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, to regulate certain nuclear activities in a manner compatible with NRC’s program. Mills in States where NRC has direct licensing authority have not been placed on the list.

Although New Mexico is no longer an Agreement State insofar as uranium recovery operations are concerned and NRC has reassumed primary jurisdiction, the site was properly placed on the NPL and the physical conditions resulting in that placement are still present. After completion of the closure of the disposal area and other remedial measures undertaken in full compliance with 10 CFR Part 40, Appendix A (the applicable Federal standards for disposal site reclamation), EPA, pursuant to 40 CFR Parts 300.425(e) and 300.515(c)(3) and in consultation with the State of New Mexico, shall determine whether all required response actions with respect to the site have been implemented. Following such a determination, the site may be considered for deletion from the NPL.

(4) Section IV – Agreement

4. Both Parties shall appoint a facility coordinator who shall be responsible for oversight of the implementation of this MOU and the activities required herein. The facility coordinators shall be appointed by each Party within *seven* (7) days of the effective date of this MOU. Each Party has the right to appoint a new facility coordinator at any time. Such a change shall be accomplished by notifying the other Party, in writing **or by email**, at least five (5) days prior to the appointment, of the name, telephone number, **email address** and mailing address of said facility coordinator.

(5) Section IV – Agreement

5. The Parties will meet periodically at the request of either Party ~~and at least semiannually~~ insofar as it is necessary to accomplish the objectives of this MOU. The facility coordinators should communicate with each other on a routine basis by telephone or email.

(6) Section IV – Agreement

8. Whenever notice or information is required to be forwarded by one party to another under the terms of this MOU, it shall be given by and directed to the individuals at the addresses specified as follows:

EPA: Director  
~~Hazardous Waste Management Division (6H)~~ **Superfund Division**  
 U.S. EPA, Region 6, 1445 Ross Avenue  
 Suite 1200  
 Dallas, Texas 75202-2733

NRC: Director  
~~Uranium recovery Field Office~~ **Division of Waste Management and Environmental Protection**  
**Office of Federal and State Materials and Environmental Management Programs**  
 Region IV, U.S. Nuclear Regulatory Commission  
~~P.O. Box 25325~~  
~~Denver, Colorado 80225~~ **Washington, DC 20555-0001**

## (7) Section IV – Agreement

9. Routine communications may be exchanged verbally, in person, **by email**, or by telephone between the Parties to facilitate the orderly conduct of work contemplated by this MOU.

## (8) Section V.A – NRC Responsibilities

~~4. NRC agrees to provide EPA with progress reports on HMC's remediation, semiannually.~~  
**This requirement has been deleted. All documents received or transmitted by the NRC regarding the Homestake Mining Company site are available in NRC's Agency-Wide Document Access and Management System (ADAMS) under Docket No. 04008903.**

## (9) Section VI – Dispute Resolution

In the event of a dispute between EPA and NRC concerning site activities, the persons designated by each Agency as facility coordinators, or in their absence, alternate contact points will attempt to promptly resolve such disputes. If disputes cannot be resolved at this level, the problem will be referred to the supervisors of these persons for further consultation. The supervisory referral and resolution process will continue, if necessary to resolve the dispute, to the level of ~~the Regional Administrators of NRC and EPA~~ **Director, Office of Federal and State Materials and Environmental Management Programs, NRC and Regional Administrator, EPA Region 6**. Both Parties shall continue to maintain their respective rights or responsibilities under this MOU during the dispute resolution process.

## (10) Section VIII – Modification

The Parties may modify this MOU from time to time in order to simplify and/or define the procedures contained herein. Each Party shall keep the other informed of any relevant proposed modifications to its basic statutory or regulatory authority, forms, procedures, or priorities. This MOU shall be revised, as necessary, by the adoption of such modifications. The MOU should be reviewed on an annual basis by ~~both the Director, Uranium Recovery Field Office, Region IV, NRC, and the Director, Hazardous Waste Management Division, Region 6 EPA, or their designated representatives~~ **Director, Division of Waste Management and Environmental Protection, NRC, and the Director, Superfund Division, Region 6, EPA, or their designated representatives.**

(11) Signature Block

Executed and agreed to:

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~~James L. Milhean~~ **Larry W. Camper, Director** Date  
**Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs  
Regional Administrator  
U.S. Nuclear Regulatory Commission  
Region IV, Arlington, Texas  
Washington, DC 20555**

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~~Regional Administrator~~ **Pam Phillips, Acting Director** Date  
**Superfund Division  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Region 6, Dallas, Texas TX 75202-2733**