



Holme Roberts & Owen LLP
Attorneys at Law

FOIA/PA REQUEST

Case No.: 2005-0325
Date Rec'd: 8-16-05
Specialist: Brown
Related Case: _____

August 16, 2005

Via First Class Mail and Facsimile to 301-415-5130

Freedom of Information and Privacy Act Officer
Nuclear Regulatory Commission
Mail Stop T6- D8
Washington, DC 20555-0001

Re: Freedom of Information Request

Dear Freedom of Information and Privacy Act Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, we submit this request for the following records:¹

1. Records related to the Homestake Mining Company site ("the Site") located in Cibola County, New Mexico (SUA-708, SUA-1471, Docket Number 04008903 or 408903). The records sought by this request include the following:

(a) Public records related to the Site to the extent that such records are not available through the Adams or Public Legacy databases.²

(b) All non-public records related to Site. So that NRC may release confidential documents, we are enclosing a letter of release from Gregory A. Lang, Vice President of Homestake, North America, granting NRC permission

¹ As used in this letter, the term "records" includes all written (or otherwise recorded) information including but not limited to: licenses, permits, reports, correspondence, e-mails, notices and reports of inspections, notices of violation, memoranda, data, hand-written notes, aerial photographs, maps, drawings, electronic communications, CDs, and videos.

² We are in the process of obtaining all publicly available documents related to the Site that are currently available through Adams and Public Legacy.

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to release records designated by Homestake or its predecessors as confidential business information, as protected trade secret or as otherwise not publicly available.

(c) U.S. Nuclear Regulatory Commission (NUREG - 1145)/AEC Annual Reports from 1956 to 1998, specifically the sections of the Annual Reports that discuss Homestake.

(d) All records related to sampling or analysis of groundwater required pursuant to Atomic Energy Commission (AEC) regulations or requirements, including requirements imposed under Radioactive Material Licenses for the Site.

(e) All records of inspections conducted by NRC of the Site pursuant to Radioactive Material License SUA-708.

(f) All records of inspections conducted by NRC of the Site pursuant to Radioactive Material License SUA-1471.

(g) All records related to violations, notices of violations, or deficiencies issued to Homestake Mining Company under Radioactive Material License SUA-708.

(h) All records related to violations, notices of violations, or deficiencies issued to Homestake Mining Company under Radioactive Material License SUA-1471.

(i) All records related to groundwater studies, investigations, or remediation conducted at the Site.

(j) All records related to the Corrective Action Plan for groundwater remediation submitted by Homestake Mining Company to the NRC in 1989 for incorporation into License SUA-1471.

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(k) All records related to studies, investigations, or remediation of wind blown tailings in the vicinity of the Site. The records sought by this request include all records related to soil sampling and analysis.

(l) All records related to monitoring or sampling of air at, on, adjacent to or otherwise related to the Site.

(m) Records of complaints or inquiries about the by Site, from 1959 through the present, from persons living in the proximity of the by Site. By proximity, we mean the area within 10 miles of the by Site, including but not limited to Grants and Milan, New Mexico and the residential neighborhoods known as Felice Acres, Broadview Acres, Pleasant Valley Estates and Murray Acres.

(n) Records, from 1959 through 1990, related to occupational exposure and monitoring at the Site.

(o) Records, from 1959 through 1990, related to tailings sampling and disposal at the Site.

(p) Records, from 1959 through 1990, related to tailings ponds at the Site.

(q) Records relating to the 1977 breach of the tailings pond at the Site.

(r) Records, from 1959 through 1990, relating to the AEC/NRC licensing and license renewal of the Site.

(s) Records reflecting any other FOIA requests regarding the Site, including but not limited to FOIA requests from Rebecca Lorenz, Michael Alaird, Jr., or anyone associated with Melat, Pressman & Higbie LLP, the Spence Law Firm or the Alaird Law Firm.

We understand that there may be fees associated with responding to this request. Please let us know if you expect the fees to exceed \$500.00. As

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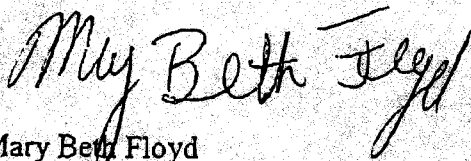
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specified in 10 C.F.R. § 9.25, we expect to receive a response within 20 working days of your receipt of this request.

If any of the requested records are provisionally exempt from disclosure under NRC regulations, policy or procedures, we ask you to exercise your discretion to release them nonetheless, unless precluded by a specific statute or regulation. If responsive records are withheld on any basis, please identify them individually and the specific factual and legal basis for holding. We ask that NRC release any segregable portions of the records. *See* 5 U.S.C. § 552(b); 10 C.F.R. § 9.19.

Once the records responsive to this request have been identified, please contact us regarding arrangements for copying the records. Should you have any questions or wish to discuss this request, please call Mary Beth Floyd at 303-866-0415 or send an e-mail to marybeth.floyd@hro.com.

Yours truly,



Mary Beth Floyd
Information Specialist



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Fax: (801) 359-0875

July 25, 2005

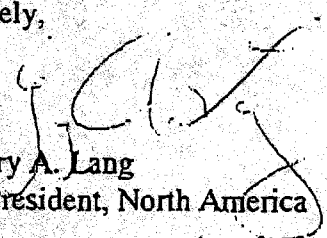
Freedom of Information and Privacy Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T6-D8
Washington, DC 20555-0001

Re: *Wilcox v. Homestake Mining Co.*

Dear Sir or Madam:

I am Gregory A. Lang, President of Homestake Mining Company of California. This letter hereby authorizes the NRC to release documents in its possession designated by Homestake Mining Company of California or its predecessors as confidential business information or protected trade secrets, or otherwise not publicly available, to Holme Roberts & Owen LLP, counsel for Homestake Mining Company of California.

Sincerely,


Gregory A. Lang
Vice President, North America