



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

February 26, 2016

Stuart Brown
Freeport-McMoRan Inc.
333 N. Central Avenue
Phoenix, Arizona 85004

Re: Notice of Completion of Work for the Administrative Settlement Agreement and Order on Consent, U.S. EPA Region 9, CERCLA Docket No. 2013-07, Ruby Mines Site, Navajo Nation

Dear Mr. Brown,

This letter provides the United States Environmental Protection Agency's (US EPA) Notice of Completion of Work in accordance with Section XX.VIII, paragraph 90, of the Administrative Settlement Agreement and Order on Consent, CERCLA Docket No. 2013-07, dated July 15, 2013 (AOC) with respect to the Ruby Mines Site (Site) on the Navajo Nation. Western Nuclear, Inc. submitted the Final Ruby Mines Removal Site Evaluation Report (RSE Report) on November 12, 2015. The RSE Report documents that all work required in the Administrative Order and Scope of Work has been completed, including addressing physical hazards such as adits and vent holes. In addition, the RSE Report provides an assessment of the vertical and horizontal extent of mine waste and associated radium-226, uranium, and other mining related metals contamination at the Site, including waste piles, vent holes, exploratory holes, water drainages leading away from the Ruby Mines, potential haul roads and areas surrounding those features. Finally, the workplan for the report provides sampling results from the livestock water well located approximately one-half mile away from Ruby #1.

EPA and Navajo EPA reviewed and commented on the draft report that was submitted in February 2015. Western Nuclear submitted a revised report on September 30, 2015. EPA, in consultation with Navajo EPA, approved the changes in the revised report in a conference call with Western Nuclear, Inc. on October 14, 2015. Navajo EPA confirmed their agreement in an email on October 14, 2015. As noted above, Western Nuclear then submitted the Final RSE Report incorporating the approved changes on November 12, 2015, and that final report is hereby approved.

While EPA finds that the Work required by the AOC has been fully performed in accordance with the Settlement Agreement, please note that Western Nuclear does have continuing obligations under the AOC, including record retention and payment of response costs. Freeport has paid all Interim Response Costs and Future Response Costs billed to date. As provided for in paragraph 46.c. of the AOC, US EPA will provide Western Nuclear with a final accounting of response costs and the amount remaining in the Ruby Mines Site Special Account.

EPA appreciates the work recently completed by Western Nuclear, Inc. with respect to the Ruby Mines Site, and we look forward to working with you on future phases of the project.

Please call me at (415) 972-3028 if you would like to discuss this matter.

Sincerely,



Mark Ripperda
Remedial Project Manager

cc: Dr. Donald Benn, Navajo Nation Environmental Protection Agency
David Taylor, Navajo Nation Department of Justice