

March 28, 2018

40-8903

BY OVERNIGHT MAIL AND ELECTRONIC MAIL

Director, Office of Enforcement [OE]
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Deputy Director
Division of Decommissioning
Uranium Recovery and Waste Programs [DUWP]
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852-2738

Re: Submission of Integrated Confirmatory Order Actions Summary Table Required
Pursuant to Section 16 of the March 28, 2017 Confirmatory Order

Dear Sir or Madam:

Enclosed please find the Integrated Confirmatory Order Actions Summary-Homestake Grants,
NM Site (as of March 20, 2018).

If you have any questions regarding this summary, please contact me as soon as possible.

Sincerely,



Gerald F. George
Counsel for Homestake Mining Company of California

cc: NRC Document Control Desk (Hard Copy)
Anne Boland, Director of OE (email)
Andrea Kock, Deputy Director of DUWP (email)
Jeffrey Whited (email)
Holton Burns (email)
Clark Burton (email)
Tom Wohlford (email)
Michael McCarthy (email)
Michelle Burgess (email)

OE #1
NMSS01
NMSS
NRC/OE

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
1	<i>March 28, 2017</i>	<i>March 28, 2017</i>	<i>HMC receives Confirmatory Order (CO) from NRC (ADAMS Accession Nos. ML17060A753 and ML17061A455).</i>	<i>Day 1 of CO actions is March 29, 2017</i>
2			<i>HMC responds to NRC.</i>	
3	<i>April 27, 2017</i>	<i>April 14, 2017</i>	<i>HMC submittal of third party consultant qualifications to NRC for approval (ADAMS Accession No. ML17108A258).</i>	
4	<i>NA</i>	<i>April 19, 2017</i>	<i>NRC submits comments on third party consultant qualifications to HMC (ADAMS Accession No. ML17114A106).</i>	
5	<i>NA</i>	<i>April 20, 2017</i>	<i>NRC submits NRC inspection report and notice of violation letter to HMC indicating one Severity Level IV violation as a result of NRC inspection on August 24-25, 2016 (ADAMS Accession No. ML17088A761). Corrective actions for this violation will be evaluated in the Self-Assessment.</i>	<i>HMC cited for failure to verify through appropriate testing and analysis that radon releases did not exceed 20 pCi/m²s, failed to ensure that a single set of radon flux measurements were made, and failed to have required 100 measurements from each mill tailings pile.</i>
6	<i>NA</i>	<i>April 24, 2017</i>	<i>HMC re-submittal to NRC regarding NRC response to third party consultant qualifications (ADAMS Accession No. ML17115A424).</i>	
7	<i>April 27, 2017</i>	<i>April 27, 2017</i>	<i>HMC adjusts RO Plant operations to better ensure compliance with Ground Water Protection Standards (GWPSs) (ADAMS Accession No. ML17121A311).</i>	
8	<i>NA</i>	<i>May 3, 2017</i>	<i>NRC approves third party consultant.</i>	<i>Day 1 of 120-day period to complete Self-Assessment is May 4, 2017. Self-Assessment due to third-party for review by August 31, 2017.</i>

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
9	May 20, 2017	May 16, 2017	HMC submits "Reply to Notice of Violation" (NOV) letter to NRC dated May 16, 2017 (ADAMS Accession No. 17143A271) in response to NRC's "Notice of Violation" letter dated April 20, 2017 (ADAMS Accession No. ML17088A761).	HMC indicates "Reasons for Violations" and "Corrective Action- Actions Already Taken and Future Actions" in letter, in response to the violation
10	NA	May 17, 2017	HMC submits letter to NRC dated May 17, 2017 indicating the discontinuance of Tripolyphosphate Injection Pilot Testing.	
11	NA	May 26, 2017	NRC submits letter "Response to Notice of Violation" to HMC (ADAMS Accession No. ML17145A572) replying to HMC letter dated May 16, 2017 "Reply to Notice of Violation" (ADAMS Accession No. 17143A271).	NRC indicates that HMC completed and proposed corrective actions appear to adequately address the regulatory noncompliance as described in the NOV dated April 20, 2017.
12	NA	June 13, 2017	HMC submits letter to NRC dated June 13, 2017 providing additional information regarding NOV on radon flux measurements, and requesting 90-day extension (to September 13, 2017) for submittal of the procedure for demonstrating compliance with the radon flux standard.	
13	June 16, 2017	June 16, 2017	<i>HMC submits discussion materials to NRC on CO Conditions 8 and 10.</i>	<i>Discussions with NRC on the materials to occur on June 26</i>
14	NA	June 21, 2017	HMC submits letter to NRC, EPA, NMED, and OSE with attached abandonment plan for 150 wells on top of LTP.	
15	June 26, 2017	June 26, 2017	<i>Discussions with NRC on CO Conditions 8 and 10.</i>	<i>Final submittal of analyses due to NRC on July 26, 2017</i>
16	NA	June 27, 2017	<i>Submittal of Root Cause Protocol to Dr. Matt Arno for third-party review.</i>	<i>Root Cause Protocol marked-up with third-party reviewer's comments/revisions due to NRC on July 26, 2017</i>

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
17	NA	July 6, 2017	NRC submits NRC inspection report and notice of violation letter to HMC indicating 3 Severity Level IV violations as a result of NRC inspection on April 24-26, 2017 (ADAMS Accession No. ML17164A088). Corrective actions for these violations will be evaluated in the Self-Assessment.	Violations generally are 1) lack of standard procedures for all activities involving radioactive materials, 2) lack of environmental evaluation of all activities not previously assessed by the NRC, and 3) lack of cultural resources survey before engaging in any developmental activity.
18	July 20, 2017	July 20, 2017	<i>Additional discussions with NRC on CO Condition 8 (re-injection impact analysis).</i>	
19	July 26, 2017	July 26, 2017	<i>Submittal of Root Cause Protocol to NRC (Condition 1) (ADAMS Accession No. ML17212A026).</i>	<i>Includes original version and third-party reviewer's comments/revisions</i>
			<i>Submittal of re-injection impact analysis to NRC (Condition 8) (ADAMS Accession Nos. ML17212A027 and ML17212A028).</i>	
			<i>Submittal of impact of RO plant exceedances analysis to NRC (Condition 10) (ADAMS Accession Nos. ML17212A027 and ML17212A029).</i>	
			<i>Submittal of written procedures on monthly sampling of SP-2 to NRC (Condition 12) (ADAMS Accession No. ML17212A025).</i>	
20	August 1, 2017	August 1, 2017	<i>NRC acknowledgment letter that correspondence received per Conditions 1, 8, 10, and 12 of the CO (ADAMS Accession No. ML17213A291).</i>	

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
21	August 3, 2017	August 3, 2017	HMC submits "Reply to Notice of Violation" letter to NRC dated August 3, 2017 (ADAMS Accession No. ML17223A189) in response to NRC's "Notice of Violation" letter dated July 6, 2017 (ADAMS Accession No. ML17164A088).	HMC indicates "Reasons for Violations" and "Corrective Actions that Have Been Taken" in letter, in response to 3 Level IV violations
22	NA	August 21, 2017	NRC submits letter to HMC dated August 21, 2017 (ADAMS Accession No. ML17229B212) indicating that completed and proposed corrective actions appear to adequately address the regulatory non-compliance. Also, HMC does not need to submit SOPs to NRC, and NRC staff will review during future inspections.	Letter refers to HMC's response to 3 Level IV violations
23	NA	August 22, 2017	NMED submits letter to HMC dated August 22, 2017 indicating that a public meeting is scheduled for September 14, 2017 to discuss prohibition of private water wells in area impacted by the former Bluewater and Homestake uranium mills in Cibola County.	Public meeting scheduled for September 14, 2017. Attendees to include NRC, NMED, OSE, DOE, EPA, and HMC.
24	NA	August 23, 2017	<i>HMC submits a request to the NRC to extend the due date of the Root Cause Analysis from August 25, 2017 to September 15, 2017. As a result, the submittal of proposed corrective actions for the Root Cause Analysis would be revised to November 14, 2017.</i>	
25	NA	August 24, 2017	<i>Via e-mail to HMC, NRC approves request to extend submittal of Root Cause Analysis to September 15, 2017. As a result, the submittal of proposed corrective actions for the Root Cause Analysis is revised to November 14, 2017 (or 60 days after September 15th).</i>	
26	August 31, 2017	August 31, 2017	<i>HMC submits Self-Assessment Report to Dr. Matt Arno of Foxfire Scientific as third-party reviewer.</i>	

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
27	NA	September 12, 2017	<i>HMC submits draft versions of Land Application Assessment Report and Self-Assessment Report to the NRC for initial feedback.</i>	
28	NA	September 12-14, 2017	NRC conducts inspection of Site and CO-related activities.	
29	NA	September 13, 2017	<i>Conference call with NRC to get feedback on Self-Assessment Report.</i>	
30	September 13, 2017	September 13, 2017	HMC submits a reply letter with attached tech memo to the NRC on radon flux NOV (ADAMS Accession No. ML17264A070), and requests a variance/exemption from obtaining compliance with the radon flux standard for the Large Tailings Pile (LTP) until groundwater restoration at the Site is complete. HMC needs to revise letter and provide substantial back-up to this information to the NRC.	
31	NA	September 14, 2017	Tour of Site with NRC, NMED, DOE, OSE, and EPA.	
32	NA	September 14, 2017	Public meeting with NRC, NMED, DOE, OSE, and EPA to discuss prohibition of private water wells in area impacted by the former Bluewater and Homestake uranium mills in Cibola County.	
33	NA	September 15, 2017	<i>Conference call with NRC to get remaining feedback on draft Self-Assessment Report.</i>	
34	September 15, 2017	September 15, 2017	<i>HMC submits Root Cause Analysis to the NRC (ADAMS Accession No. ML17263A125).</i>	

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
35	NA	September 18, 2017	On behalf of HMC, ERG submits an e-mail to the NRC providing additional information on the potential NOV identified during the NRC Site inspection for work on the 1,200 gpm zeolite water treatment system, and proposed corrective actions to be taken.	This potential NOV will be evaluated during the Self-Assessment.
36	NA	September 19, 2017	<i>Conference call with NRC to discuss extension of due date for Self-Assessment Report</i>	<i>HMC will submit a formal written request to the NRC to extend the due date of Self-Assessment Report</i>
37	September 25, 2017	September 25, 2017	<i>HMC submits Land Application Assessment report to the NRC (ADAMS Accession No. ML17270A066). HMC is not growing crops for human consumption on any previously irrigated lands authorized previous to the CO and will continue to prevent crops from being grown on those lands while fulfilling the CO. HMC intends to place a restrictive covenant on the deed(s) for those lands to prevent future cultivation of crops.</i>	
38	September 27, 2017	September 27, 2017	<i>HMC submits Integrated Table of CO Actions to the NRC (ADAMS Accession No. ML17272A137).</i>	
39	NA	September 28, 2017	<i>Conference call with NRC to discuss procurement of potential contractors for the Self-Assessment Report, guidance on CAP for RCA, and radon flux</i>	
40	NA	October 19, 2017	<i>NRC acknowledgment letter that RCA Report received per Condition 2 of the CO (ADAMS Accession No. ML17241A299). Also, letter provides written formal approval from the NRC for the extension of due dates for the RCA Report (to September 15, 2017) and RCA Corrective Action Plan (to November 14, 2017).</i>	

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
41	NA	October 19, 2017	NRC letter to HMC (ADAMS Accession No. ML17292A953) indicating that HMC request for variance from radon flux standards regulatory requirements did not meet the intent of 10 CFR 40.14(a) for specific exemptions, and NRC advised HMC to resubmit a request for a variance with sufficient detail so the NRC could conduct a technical review of that request. On an interim basis, HMC's proposed procedure for monitoring radon flux presented in HMC's letter to NRC dated September 13, 2017 (ADAMS Accession No. ML17264A070) should be implemented until longer-term solutions are agreed.	
42		<i>October 24, 2017</i>	<i>Conference call with NRC to discuss proposed SOW for additional soil sampling of the Land Application areas.</i>	
43	November 1, 2017		In response to NOV letter from the NRC dated July 6, 2017 (ADAMS Accession No. ML17164A088), HMC is to prepare SOPs for 1) handling material placed in pits on top of the Small Tailings Pile (STP), 2) operation of the two zeolite water treatment systems, and 3) operation of the evaporation ponds.	SOPs completed and contained in HMC SOP Manual, Revision 4, dated December 18, 2017.
44	NA	<i>November 3, 2017</i>	<i>HMC meeting with and presentation to the NRC in Rockville, MD to request an extension of the Self-Assessment due date.</i>	
45	<i>November 14, 2017</i>	<i>November 14, 2017</i>	<i>HMC submittal to NRC of proposed corrective actions based on the Root Cause Analysis of the apparent violations documented in NRC's letter dated October 4, 2016 (ADAMS Accession Nos. ML17320A128 and ML17320A129).</i>	
46	NA	<i>November 15, 2017</i>	<i>Submittal of "Final Status Survey Plan" for Land Application areas to the NRC (ADAMS Accession Nos. ML17340A406 and ML17340A407)</i>	

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
47	NA	November 17, 2017	<i>HMC submittal to NRC formally requesting an extension of the Self-Assessment report due date to Sept. 3, 2018 (ADAMS Accession No. ML17325A023).</i>	
48	NA	November 20, 2017	HMC submittal to NRC to update the groundwater monitoring plan in its NRC license (SUA-1471) to adjust the compliance monitoring for the groundwater restoration areas at the Grants Reclamation Project site. (ADAMS Accession No. ML18018A102)	
49	NA	November 21, 2017	HMC completed abandonment of 150 monitor wells on the LTP	
50	NA	November 29, 2017	HMC submittal to NRC of Revised Scope of Work - Re-Seeding of Former Land Application Areas for Dust Control (ADAMS Accession No. ML17340A405)	
51	NA	November 30, 2017	HMC submittal to NRC of Scope of Work for horizontal wells pilot test (ADAMS Accession No. ML17340A408)	
52	NA	December 4, 2017	HMC submittal to NM OSE of plugging plans for Wells 928, 943, 951, Deep Well #1, Deep Well #2, and Old Well #1	
53	NA		<i>Status Survey work for Land Application areas initiated by HMC on December 4, 2017.</i>	
54		December 11, 2017	HMC request to NRC to amend Condition 35 of the License to add two zeolite water treatment systems (ADAMS Accession Nos. ML17361A007 through ML17361A011).	
55		December 20, 2017	NRC Inspection Report 040-08903/2017-002 from inspection at Grants site on September 13 and 14, 2017 (ADAMS Accession No. ML17353A414).	One URI related to regulatory compliance with 10 CFR Part 20 requirements for internal occupational dose monitoring.

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
56	NA	December 26, 2017	<i>NRC approves request to extend due date of Self-Assessment to September 3, 2018 (ADAMS Accession No. ML17340B341). Also, Condition 44 of the License was amended (License Amendment No. 50) to formally approve extension of the due date of Conditions 2 and 4 of the CO (ADAMS Accession No. ML17340B369). Condition 35 of the License also was amended to correct an administrative error.</i>	
57		December 28, 2017	<i>NRC notifies HMC of change of Project Manager (PM) for the Grants site (ADAMS Accession No. ML17354A086). New NRC PM is Jeffrey A. Whited.</i>	
58	December 29, 2017	-	<i>HMC submittal to NRC of HMC's Self-Assessment Report, the third-party consultant's review report, and any modifications by HMC as a result of third-party consultant's report.</i>	<i>Revised due date of September 3, 2018 approved by the NRC on December 26, 2017</i>
59		January 16, 2018	<i>Kick-off meeting for the Self-Assessment contractor (ENERCON) at the HMC Grants site.</i>	
60		January 22, 2018	<i>Monthly call between HMC and NRC PM (J. Whited) to provide an update on the current status of Confirmatory Order Actions.</i>	
61		January 30, 2018	<i>NRC letter from S. Koenick, 2017 Annual Surety Update for the Homestake Mining Company of California Grants Reclamation Project, Amendment Number 51 to Source Materials License SUA-1471, Docket Number 40-8903. (ADAMS Accession Nos. ML17346A341, ML17346A32, and ML17346A344).</i>	
62	NA	February 5 – 9, 2018	<i>HMC Site OSHA compliance inspection conducted by ENERCON.</i>	

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
63	NA	February 9, 2018	NRC letter from J. Whited to T. Wohlford, Re: Revised Scope of Work Re-seeding of Former Land Application Areas for Dust Control. (ADAMS Accession No. ML18019A038)	The NRC staff was provided the opportunity to review the notification of a revised scope of work that does not involve an amendment to HMC's NRC license. The staff coordinated its review with NMED. The staff and NMED have completed the review and do not have any questions concerning the revised scope of work at this time.
64		<i>February 13, 2018</i>	<i>Monthly call between HMC and NRC PM (J. Whited) to provide an update on the current status of Confirmatory Order Actions.</i>	
65		<i>February 21, 2018</i>	<i>HMC drop-in visit with NRC senior staff in the Division of Decommissioning, Uranium Recovery, & Waste Programs (DURWP)</i>	<i>HMC provided an update on status of the Self-Assessment (CO Condition #3) and related activities</i>
66		March 7-8, 2018	Pre-NRC Inspection site audit conducted by ENERCON Team (John Madera and Steven Brown)	
67		<i>March 12, 2018</i>	<i>Monthly call between HMC and NRC PM (J. Whited) to provide an update on the current status of Confirmatory Order Actions.</i>	
68	NA	<i>March 14, 2018</i>	<i>Development and initial presentation of an initial and annual refresher training program for all individuals engaged in Licensed activities</i>	<i>Condition 7 of the CO</i>
69		March 26-27, 2018	NRC conducts inspection of Site and CO-related activities.	
70	<i>March 28, 2018</i>		<i>HMC submittal of Integrated Table of CO Actions to the NRC.</i>	

Integrated Confirmatory Order Actions Summary-Homestake Grants, NM Site (as of March 20, 2018)

	Due Date	Date Completed	Action	Comments
71	<i>September 3, 2018</i>		<i>HMC submittal to NRC of HMC's Self-Assessment Report, the third-party consultant's review report, and any modifications by HMC as a result of third-party consultant's report.</i>	<i>Revised due date of September 3, 2018 approved by the NRC on December 26, 2017</i>
72			<i>NRC review of Land Application Assessment.</i>	<i>NRC is currently reviewing the September 25, 2017, land application assessment report and is awaiting the results of the additional data obtained for the final status survey report.</i>
73	<i>TBD</i>		<i>HMC preparation of a Corrective Action Plan for Land Application Areas (if needed).</i>	<i>HMC will submit within 60 days of NRC's approval of HMC's land application assessment (if needed).</i>
74	<i>TBD</i>		<i>Any changes or additions to the license or procedures resulting from this Confirmatory Order, HMC will either (1) submit to the NRC a license amendment request(s), for NRC approval, or (2) update the appropriate HMC procedure(s) after notification of the NRC.</i>	<i>HMC will submit to the NRC within 60 days of receiving the results of NRC's audit(s).</i>
75	<i>September 28, 2018</i>		<i>HMC submittal of Integrated Table of CO Actions to the NRC.</i>	
76	<i>January 1, 2019</i>		<i>HMC preparation of revised groundwater Corrective Action Plan (CAP).</i>	<i>Extension request will be submitted to the NRC</i>
77	<i>January 1, 2020</i>		<i>NRC review of revised groundwater CAP.</i>	<i>Extension request will be submitted to the NRC</i>

Notes:

- NA = Not applicable
- TBD = To Be Determined
- ***Bold, italicized*** text reflects actions designated in the Confirmatory Order
- Accession numbers for documents available in NRC's Agencywide Documents Access and Management System (ADAMS) as of March 20, 2018 are provided.