



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

April 8, 2020

David Pierce
Site Closure Manager
Homestake Mining Company of California
PO Box 98, Hwy 605
Grants, NM 87020

SUBJECT: HOMESTAKE MINING COMPANY OF CALIFORNIA, GRANTS RECLAMATION PROJECT, REQUEST FOR TEMPORARY EXEMPTION OF RADIATION SAFETY TECHNICIAN QUALIFICATIONS DUE TO CORONAVIRUS DISEASE GLOBAL PANDEMIC, LICENSE SUA-1471, DOCKET 04008903

Dear Mr. Pierce:

This letter is in response to your request dated April 6, 2020 (Agencywide Documents Access and Management System [ADAMS] Accession No. ML20098F606) for temporary relief from the Radiation Safety Technician (RST) training requirements in your license. Based upon the analysis below, the U.S. Nuclear Regulatory Commission (NRC) grants a temporary exemption from Title 10 of the *Code of Federal Regulations* (10 CFR) Section 40.41(c), specifically, the requirements in the Homestake Mining Company of California (HMC, licensee) Grants Reclamation Project (Site) license SUA-1471, License Condition 32, as it relates to the RST qualifications incorporating Regulatory Guide (RG) 8.31, as further described below.

HMC provided the following information in the April 6 request:

- A statement that the novel Coronavirus Disease (COVID-19) pandemic has profoundly impacted operations at the HMC Grants Reclamation Project.
- Of immediate concern is the fact that the current RST for the Site is temporarily unavailable and in quarantine.
- This situation leaves a number of critical Site operations unsupported in terms of radiation protection requirements under License Condition 32.
- HMC's current Shift Supervisor has many years of operational experience in the RST role at the Site and has the necessary skills and experience to temporarily meet RST responsibilities. However, the Shift Supervisor lacks a portion of the training qualifications required by HMC's license, which refers to RG 8.31.
- Since May 2017, the Shift Supervisor has received a total of 68 hours of specialized training relevant to the radiation protection program at the Site. This training, provided by the Radiation Safety Officer (RSO) and alternate RSO, is well documented, although the training is not sufficient to meet the terms of HMC's license.
- Statewide restrictions under the COVID-19 response have eliminated the potential to contract with an outside resource that is qualified under HMC's license to perform daily RST functions as an alternative when the currently approved RST is unavailable.
- The exemption will not materially impact radiation safety at the Site and will allow

time-critical groundwater treatment operations to resume as soon as possible, including cleanup of a recent spill of liquid and solid wastes from a failed blowdown pump seal associated with Clarifier #2 at the reverse osmosis unit and replacement of the pump seal prior to resumption of Site activities.

- A Radiation Work Permit (RWP) has been issued for the cleanup and repair work, but the work cannot proceed without an NRC-approved RST to implement RWP requirements for radiation protection under the RWP.
- For these reasons, the licensee requested that it be granted a temporary exemption from License Condition 32, and the associated incorporation of the qualifications described in RG 8.31 for the RST role, and that the Shift Supervisor be temporarily approved to perform RST responsibilities at the Site under the direction of the RSO.
- The temporary exemption is requested until the COVID-19 response has abated along with associated restrictions on business activities in New Mexico.

Exemption Analysis

Section 40.41(c) requires that “[e]ach person licensed by the Commission pursuant to the regulations in this part shall confine his possession and use of source or byproduct material to the locations and purposes authorized in the license.” 10 CFR Section 40.14, Specific Exemptions, allows the NRC, upon application of any interested person or upon its own initiative, to grant such exemptions from the requirements of Part 40 as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. The NRC staff’s evaluation of the requested exemption follows.

Authorized by Law

The subject requirement concerns RST qualifications, and associated NRC requirements. NRC regulations specifically provide for exemptions in certain circumstances, and no other statutory provision would prevent the issuance of a temporary exemption from this training requirement.

Will not Endanger Life or Property or the Common Defense and Security

The underlying purpose of License Condition 32 of HMC’s license is to maintain radiological safety at the Site by requiring that licensee personnel are adequately trained and qualified for their work.

Based on the information provided in HMC’s April 6, 2020, request, the NRC staff has determined that although the proposed alternative RST candidate, the Shift Supervisor, does not meet the training requirements specified in HMC’s license and Regulatory Guide 8.31 Section 2.4.2, his 68 hours of radiation safety training, operational knowledge and previous and current work at the Site, are sufficient to for him to be temporarily authorized to provide limited RST support. The licensee requested a 60- to 90-day exemption duration (ADAMS Accession No. ML20099B116). The NRC staff has reviewed the Shift Supervisor’s completed training and has determined that it is sufficient to oversee the work to be conducted. This temporary authorization is limited to providing RST coverage for work activities conducted under the RWP’s necessary to clean-up and repair the reverse osmosis system, and any periodic RST work necessary to support operations and maintain compliance with applicable requirements.

For the reasons noted above, the NRC staff has determined the limited activities authorized to be performed by the temporary RST are of low radiological safety risk. Therefore, the NRC finds that there is no undue risk to public health and safety from granting the requested temporary exemption.

The requested exemption does not involve changes to security at the Site. Therefore, the NRC finds that there is no impact on common defense and security from granting the requested temporary exemption.

In the Public Interest

On January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the COVID-19 pandemic. Due to the impacts that the PHE has had on the licensee's ability to comply with the condition 32 in its license and the importance of maintaining the operations at the HMC Site, the temporary use of the Shift Supervisor (who has 68 hours of radiological training and on the job radiological experience), the NRC finds that granting the requested exemption is in the public interest.

Exemption Scope and Restrictions

The NRC staff finds that a temporary exemption is supported by HMC's submittal. This temporary exemption will remain in effect for:

1. 90 days, or
2. until such time the business activities restrictions are relaxed by the State of New Mexico and a qualified RST contractor can be put in place, or
3. until the currently approved Site RST can return to work, whichever occurs first.

HMC shall notify the NRC within 15 days of the satisfaction of criteria No. 2 or 3 above. The NRC staff expects the currently approved RST to perform RST duties when available, or a qualified RST contractor to perform RST duties after business activity restrictions are relaxed. This temporary exemption is also contingent upon the availability of the RSO or ARSO via phone or video conference to direct activities associated with any emergency conditions and during oversight of any RWP activities.

Additionally, the NRC staff strongly suggests the Shift Supervisor continue to take radiation safety training, either onsite or online, as Site duties permit. Based on the information provided by the licensee, the Shift Supervisor is not qualified to ship radioactive materials, for example.

Environmental Considerations

NRC approval of this exemption request is categorically excluded under 10 CFR 51.22 (c)(25)(vi)(E), and there are no extraordinary circumstances present that would preclude reliance on this exclusion. The NRC staff has determined that approval of this requested exemption involves no significant hazards consideration; no significant change in the types or significant increase in the amounts of any effluents that may be released offsite; no significant increase in individual or cumulative public or occupational radiation exposure; no significant construction impact; and no significant increase in the potential for or consequences from radiological accidents. In addition, the NRC staff has determined that there would be no significant impacts to biota, water resources, historic properties, cultural resources, or

socioeconomic conditions in the region. As such, there are no extraordinary circumstances present that would preclude reliance on this categorical exclusion. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this requested exemption.

Based on the above, the NRC staff finds that (1) the exemption is authorized by law, (2) the exemption will not endanger life or property or the common defense and security, and (3) the exemption is otherwise in the public interest.

If you have any questions, please contact Ron Linton of my staff at 301-415-7777 or at ron.linton@nrc.gov.

This exemption is effective per the conditions described above or until 12:00 a.m. on July 8, 2020.

Sincerely,

Patricia K. Holahan, Director
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Materials Safety
and Safeguards

Docket No. 040-08903

License No. SUA-1471

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DISTRIBUTION: R.Evans (RIV) H.Gepford (RIV) Homestake ListServ

ADAMS Accession No.: ML20099A179

***via e-mail**

OFFICE	DUWP	RIV	DUWP
NAME	R.Linton*	M.Poston*	B.vonTill*
DATE	4/ 07 /2020	4/ 8 /2020	4/ 8 /2020
OFFICE	RIV	OGC	DUWP
NAME	H.Gepford*	A.Gendelman*	P.Holahan*
DATE	4/ 8 /2020	4/ 8 /2020	4/ 8 /2020

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