



Homestake Mining Company of California

David W. Pierce
Closure Manager

05 May 2020

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission,
Washington, DC 20555-0001

Mr. Ron Linton, Project Manager
Project Manager, Materials Decommissioning Branch (Mail Stop: T-8F5)
Decommissioning, Uranium Recovery & Waste Programs
Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
MS T-5A10, 11545 Rockville Pike
Rockville, MD 20852

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

RE: Homestake Mining Company of California – Grants Reclamation Project, License SUA-1471 – Request for 120-Day Extension of the Due Date for Corrective Actions Resulting from HMC’s Self-Assessment Which Will be implemented Through Changes and/or Additions to the License or Procedures

Dear Mr. Linton:

Homestake Mining Company of California (HMC) is submitting this request to amend the due date contained in Condition 5 of Confirmatory Order (CO) EA-16-114. Currently, for those proposed corrective actions resulting from HMC’s 2018 Self-Assessment¹ which need to be implemented through changes and/or additions to the license or procedures, HMC must submit license amendment request(s) and/or notification of updates to its procedures to the NRC in accordance with Condition 5 of the CO, which states:

*Unless otherwise specified, for 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. **All license amendment requests resulting from this Confirmatory Order will be submitted to the NRC within 60 days of receiving the results of NRC’s audit(s).** All notifications of updates to procedures resulting from this Confirmatory Order will be made to the NRC by the end of calendar year 2018. [emphasis added]*

By means of a letter dated March 19, 2020², NRC issued the results of its audit of the regulatory compliance self-assessment submitted pursuant to Conditions 3 and 4 of CO EA-16-114, thereby establishing a due date for those “changes and/or additions to the license or procedures” of May 19, 2020.

¹ Agency-wide Document Access and Management System (ADAMS) Package Accession No. ML18248A265

² ADAMS Accession No. ML19120A145

The current COVID-19 virus has represented a unique, unprecedented, and unforeseeable special circumstance with regards to operating the Homestake Mining Company of California (HMC) Grants Reclamation Project (GRP). On March 13, 2020, President Donald Trump declared the Coronavirus (COVID-19) pandemic a national emergency. In addition, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 ("EO 2020-004") that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act. This New Mexico EO has recently been extended through May 15, 2020 by the NM Governor's EO 2020-026³. As of May 3, 2020, the New Mexico Department of Health reported at least 3,850 confirmed cases of COVID-19 in New Mexico and at least 112 related deaths. Confirmed cases of COVID-19 are present in 30 of New Mexico's 33 counties. Despite proactive measures taken by the State of New Mexico, these numbers are increasing at a significant rate and COVID-19 is expected to continue its spread.

In response to these declarations and the COVID-19 pandemic, HMC implemented mitigation strategies (e.g., self-isolation and social distancing) that serve the public interest during a pandemic by ensuring adequate staff are isolated from the pandemic and remain healthy to perform critical job functions. Even with these strategies and revised procedures in place, the COVID-19 pandemic has directly impacted the HMC Site; shutting down some Site operations, dispersing many Site staff, limiting access to files and source materials, and affecting our ability to most effectively communicate within HMC.

As evidenced by the latest Submission of Integrated Confirmatory Order Actions Summary Table Required Pursuant to Section 16 of the March 28, 2017 Confirmatory Order dated April 8, 2020⁴, HMC has already undertaken many corrective actions since the CO was initially received in 2017⁵. These corrective actions have included at least ten (10) submittals requesting changes and/or additions to License SUA-1471, as well as numerous procedure revisions, many of which have been reviewed by NRC staff during regular site inspections. In addition, HMC continues the practice established in 2018 of holding monthly conference calls between HMC and the NRC Project Manager to provide an update on the current status of CO Actions and an overview of current site operations. All of these actions have been undertaken to better align site operational practices with those specifically authorized by License SUA-1471, and to create further clarity in the license as an impediment to unauthorized activities.

However, there were certain corrective actions for which it was not reasonable to undertake regulatory submittals until HMC received NRC's audit of the self-assessment, thereby enabling HMC to incorporate any NRC insights or recommendations contained therein. Now that the audit results have been received, these remaining corrective actions may be finalized.

In recognition of the unique and unforeseen circumstances of this national emergency and the emergent impact it has had on our ability to conduct activities related to these remaining changes and/or additions to the license or procedures as contained in the proposed corrective actions, HMC hereby requests a 120-day extension of the regulatory required due date in Condition 5 of the CO. This additional period will allow HMC sufficient time to complete final development of the changes addressing NRC insights and recommendations contained in the NRC's audit report letter, technical review, and submission of the remaining proposed license changes consistent with the significant restraints on staff interactions and travel during this period.

³ <https://www.governor.state.nm.us/wp-content/uploads/2020/05/Executive-Order-2020-026.pdf>

⁴ ADAMS Accession No. ML20099F534

⁵ ADAMS Accession Nos. ML17060A753 and ML17061A455

RE: Request for 120-Day Corrective Action Compliance Extension

HMC has determined that the requested due date extension is for administrative measures only, and therefore involves no increase in the amounts, or change in the types, of any effluents that may be released offsite, and that there will be no increase in individual or cumulative public or occupational radiation exposure due to the requested extension. We are fully mindful of our obligations and license requirements to protect the health and safety of the public and our workers. None of these requests will compromise our ability to fulfill these obligations.

Thank you for your time and attention on this matter. If you have any questions, please contact me via e-mail at dpierce@homestakeminingco.com or via phone at 505.238.9701.

Respectfully,



David W. Pierce

Closure Manager
Homestake Mining Company of California
Office: 505.287.4456 x34 | Cell: 505.238.9701

Copy To:

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

M. McCarthy, Barrick, Salt Lake City, Utah (electronic copy)
G. George, Davis, Wright and Tremaine, San Francisco, California (electronic copy)
D. Lattin, Barrick, Elko, Nevada (electronic copy)
R. Whicker, Environmental Restoration Group, Albuquerque, New Mexico (electronic copy)