



Multicultural Alliance for a Safe Environment

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Ron C. Linton, Project Manager
Nuclear Regulatory Commission
Uranium Recovery and Materials
Decommissioning Branch
Division of Decommissioning, Uranium Recovery and Waste Programs
Office of Nuclear Materials Safety and Safeguards

Re: Homestake-Barrick Gold License SUA 1471

Dear Mr. Linton:

We write to formally place on the record our objection to granting Alternate Concentration Limits (ACLs) to Homestake-Barrick Gold ("HBG") at the Grants Reclamation Project site. We are also formally placing on the record our request that the Nuclear Regulatory Commission (NRC) compel HBG to timely respond to the Request for Supplemental Information ("RSI") issued on 6/18/20 concerning the 12/18/19 Ground Water Corrective Action Program ("G-CAP") license amendment request within the 90 days originally set by the NRC. Further, we formally request that we be notified and included in all further developments concerning HBG's stated intention to request ACLs, or any NRC action on HBG's 12/18/19 G-CAP license amendment request.

Based on the June 25, 2020 Pre-ACL Application Scoping Conference Call, we understand that HBG wants to move away from its 12/18/19 G-CAP license amendment request and move towards an application for ACLs. We object NRC permitting HBG to pursue an ACL Application prior to the approval of its G-CAP license amendment request, as mandated by Confirmatory Order EA-16-114.

We are mindful that alternate cleanup standards were previously agreed to in 2006, and that HBG remains subject to the NRC approved Ground Water Protection Standards for constituents of concern on its project site near Grants, New Mexico. Now, just as the Environmental Protection Agency and New Mexico Environment Department are considering revising the background levels, HBG is staking out a position that current background standards cannot be met, which would leave New Mexico with a ticking time bomb threatening widespread regional contamination of our shared water supplies in Grants, Milan, and other downstream communities.

Our communities can cite a litany of actions by HBG over the years since reclamation began in 1977 that have contributed to the spread of groundwater contamination from HBG's uranium mill tailings into the alluvium and deeper bedrock aquifers of the Chinle Formation, and possibly into the San Andres-Glorieta Aquifer.

Therefore, we request that the NRC mandate HBG's strict compliance with the Confirmatory Order and compel HBG to timely respond to the NRC's June 18, 2020 Request for Supplemental Information on their 12/18/19 G-CAP license amendment request. The Confirmatory Order requires HBG to submit a G-CAP license amendment request which must be completed before the revised G-CAP is adopted. We expect the license amendment to include up-to-date, robust measures to treat and contain the sources of groundwater contamination on the HBG project site so that background levels can be attained.

Considering that HBG has been acting under a 1989 G-CAP (with a 1998 update), for over 30 years, in the absence of a Record of Decision (ROD) from the EPA for groundwater cleanup, it is both premature and illegal to consider ACLs without first implementing a robust cleanup plan under a revised G-CAP. It is simply untenable, and we believe, illegal, to approve any HBG petition for ACLs until HBG has demonstrated substantial compliance with an approved, up-to-date G-CAP.

Any remedial measures that fall short of attaining approved background levels at the site will not be protective of our regional groundwater supplies, including the San Andres-Glorieta Aquifer, the last remaining freshwater supply source available to meet our domestic and municipal needs now and into the future. The remedies selected must have long-term effectiveness in reducing the toxicity, mobility, and volume of contaminants from the Tailings Piles that are seeping into our surface and groundwater supplies, which are so necessary to support our health and safety. These needs are magnified during the unprecedented COVID-19 global health crisis, long-term drought, and changing climate characterized by extreme storm events. In addition, community, state, and Tribal acceptance of the remedies selected must be solicited and considered.

Please notify us of the current status of any consideration of ACLs for the Grants Reclamation Project, including any HBG petition or pre-petition audit, and the current status of NRC's RSI concerning HBG's G-CAP license amendment request. We also request notice of any future meetings or discussions concerning ACLs for the Grants Reclamation Project site. We object to any discussions or negotiations that leave out the Multicultural Alliance for a Safe Environment and the Bluewater Valley Downstream Alliance or other concerned members of the public. Public participation and community involvement are necessary to achieve both environmental justice and regulatory compliance.

Thank you very much.

Sincerely,

Susan R Gordon

Susan Gordon

Coordinator

Multicultural Alliance for a Safe Environment

Bluewater Valley Downstream Alliance