



Homestake Mining Company of California
P.O. Box 98
Grants, NM 87020
Tel +1 505 287 4456
Fax +1 505 287 4457

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

Mr. Ron Linton, Project Manager
Project Manager, Materials Decommissioning Branch
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

Regional Administrator
U.S. Nuclear Regulatory Commission
Region IV
1600 East Lamar Boulevard
Arlington, TX 76011-45-4511

RE: Homestake Mining Company of California – Grants Reclamation Project – License No. SUA-1471; Docket 040-08903. Consistency of Regulatory Policy for Licensee Management of Purge Water from Groundwater Sampling Activities.

Dear Mr. Linton:

Homestake Mining Company of California (HMC) is submitting this letter in response to the U.S. Nuclear Regulatory Commission (NRC) staff's October 28, 2021 evaluation of the U.S. Department of Energy's (DOE's) groundwater sampling process for sampling of HMC's well 951 on HMC property (NRC ADAMS Accession No. ML21278B110). The DOE's sampling process includes conveyance of purge water from well 951 for discharge to the ground inside the Bluewater mill tailings long-term care boundary (LTCB).

The NRC staff has found DOE's purge water discharge practices to be acceptable based on evaluation of uranium levels and the impacts to groundwater from well 951 between 2013 and 2020, which has ranged from 0.02 to 0.04 milligrams per Liter (mg/L). Effectively, the NRC staff has concluded that this practice is acceptable because "These concentration levels are below the NRC-approved uranium alternate concentration limit of 0.44 mg/L for the Bluewater site point of exposure well (SG) for the SAG aquifer", and that "The risk of dispersing purge water from well 951 onto the Bluewater disposal site property is negligible due to the historically low concentrations of uranium found in well 951."

This regulatory position establishes that site-specific groundwater protection standards may be used as de-facto surface discharge standards, and that there are de-minimis or “negligible” levels of 11.e(2) byproduct material, below which regulatory controls on releases to the environment are not warranted and will not be enforced by NRC staff. Both of these positions taken by NRC with respect to DOE’s Bluewater purge practices are contrary to the April 20, 2021 issuance of a Level IV violation to HMC for discharging purge water to the ground at HMC’s Grants Reclamation Project (ML21096A200). In this inspection report dated October 19, 2021 (ML21286A797), the NRC staff cited “the licensee’s failure to ensure that radiologically impacted well purge water generated during groundwater sampling was contained and disposed in a lined holding pond or evaporation pond.”

As you know, HMC has discontinued the former practice of discharging purge water to the ground in favor of containment and disposal in a lined pond at the HMC facility. However, the staff’s approval of DOE’s sampling procedure for purge water from HMC’s well 951 raises questions of regulatory consistency, as discussed above. In short, NRC is treating DOE, a fellow governmental agency, more favorably and less stringently than it is treating HMC for the same purge practices.

Based on HMC’s review of the regulations, license conditions, and circumstances surrounding the purge water violation and comparison of the NOV rationale with NRC’s subsequent acceptance of DOE’s purge water handling procedures, HMC is requesting that the violation (VIO 040-08903/2021-01-001) received by HMC in the April 20, 2021 inspection report (ML21096A200) be withdrawn. Additionally, HMC is requesting clarification from the NRC staff on the apparent inconsistencies in licensing decisions concerning the same basic issue for two different licensees. HMC will review the staff’s clarification prior to authorizing DOE to resume routine sampling of well 951 on HMC property.

Thank you for your time and attention on this matter. If you have any questions, please contact me via e-mail at bbingham@homestakeminingcoca.com or via phone at 505.290.8019.

Respectfully,



Brad R. Bingham

Closure Manager

Homestake Mining Company of California

Office: 505.287.4456 x35 | Cell: 505.290.8019

ec:

R. Evans, Region VI NRC, Arlington, Texas
B Tsosie, DOE, Grand Junction, Colorado
M. McCarthy, Barrick, Salt Lake City, Utah
G. George, Davis, Wright and Tremaine, San Francisco, California
D. Lattin, Barrick, Elko, Nevada
R. Whicker, ERG, Albuquerque, New Mexico