



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

July 24, 2023

MEMORANDUM TO: Bill Von Till, Chief
Uranium Recovery and Materials
Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

FROM: Ron Linton, Project Manager *Ron Linton* Signed by Linton, Ron
Uranium Recovery and Materials on 07/24/23
Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

SUBJECT: SUMMARY OF MAY 22, 2023, PUBLIC OBSERVATION MEETING
WITH HOMESTAKE MINING COMPANY OF CALIFORNIA
REGARDING CONFIRMATORY ORDER EA-16-114, DOCKET NO.
04008903, LICENSE NO. SUA-1471

DATE OF MEETING: May 22, 2023

MEETING LOCATION: Virtual Microsoft Teams meeting

PURPOSE: To Discuss the Grants Reclamation Project Status of the Confirmatory
Order EA-16-114 and Homestake Mining Company of California
(HMC) Request for Termination of Escalated Enforcement dated
November 18, 2022

ATTENDEES: A list of attendees is provided in an enclosure to this meeting
summary.

SUMMARY: On May 22, 2023, a virtual public observation meeting was held
between the U.S. Nuclear Regulatory Commission (NRC) and HMC
regarding the Confirmatory Order (CO) issued to HMC on March 28,
2017 (Agencywide Documents Access and Management System
(ADAMS) Accession Package No. [ML17060A752](#)). The meeting
notice was published on the NRC website on May 8, 2023 (ADAMS
Accession No. [ML23128A146](#)). As an observation meeting, members
of the public were welcome to attend and observe the proceedings
and ask questions to the NRC staff after NRC provided comments to
HMC.

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The virtual public observation meeting began at 10:00 a.m., eastern time, with the NRC staff making opening remarks regarding the meeting background, purpose, and process. NRC and HMC staff introduced themselves.

The NRC staff discussed the development of the CO, status of the open CO conditions to be satisfied, and answered the questions raised by HMC in their letter dated November 18, 2022 (ADAMS Accession No. [ML22323A004](#)).

The NRC staff clarified several areas related to the CO including the order statement that, upon issuance, the “license is modified” permanently and, consequently, the CO remains intact and tied to the license. The staff also emphasized that the order conditions were developed with HMC during the NRC’s Alternative Dispute Resolution (ADR) mediation process to reach an agreement with HMC that was then memorialized in the order which was issued with HMC’s consent. The staff pointed out that Section V of the CO contains the order conditions that function in the same manner as license conditions. The staff also explained that some CO conditions have a due date by which the condition is to be completed to comply with the order. Compliance is typically confirmed by inspection and documented in the inspection report as “satisfied.” Other CO conditions require ongoing compliance, such as a CO condition requiring yearly training. Verification of compliance for ongoing order conditions is accomplished through oversight activities conducted by the region, including inspections. CO conditions may be subject to future enforcement like the rest of the license and applicable regulatory requirements.

Additionally, the staff explained that the NRC considered the CO issued to HMC as an escalated enforcement action. However, the enforcement action was completed upon issuance of the CO. The staff also highlighted that HMC voluntarily engaged in the NRC ADR mediation process. Further, HMC benefitted from the ADR process and resulting CO when it did not receive a notice of violation or monetary civil penalty in exchange for its agreement to meet the order conditions. The staff also clarified that the CO may be relaxed, rescinded, or withdrawn by the Director of the NRC Office of Enforcement when good cause is provided.

The staff explained that inspections and all oversight activities associated with the CO are managed by Region IV, with the inspection frequency for licensed activities at the site established consistent with the inspection program. As HMC requested, the staff verified that, as of the date of the meeting, five order conditions remained open.

The CO Condition 6 requirement for the submission of a “revised Groundwater Corrective Action Program (GCAP)” was addressed, as well as a new December 1, 2023, deadline for satisfying Condition 6. This new deadline was provided to HMC in an NRC letter dated May 19, 2023 ([ML23136B197](#)). Further, the staff highlighted wording from the NRC May 19 letter that provided additional clarification on the scope and content of the revised GCAP in keeping with the intent of Condition 6 to ultimately have a document serving as the “compendium” identified in the letter. The NRC also offered HMC the option for an additional meeting should they have additional questions associated with CO Condition 6.

Following the NRC’s comments to HMC and ongoing discussions, the NRC staff opened the meeting for questions and comments from the public. The NRC staff responded to several questions from the public in attendance. The NRC provided closing remarks and adjourned the meeting at approximately 11:20 a.m.

In accordance with Title 10 of the *Code of Federal Regulations* 2.390, "Public inspections, exemptions, requests for withholding," of the NRC's "Agency Rules of Practice and Procedure," a copy of this memorandum will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

LIST OF ATTENDEES:

May 22, 2023, Public Observation Meeting with HMC to Discuss CO EA-16-114. Since this was a virtual meeting, publicly noticed on the NRC website for anyone to attend, the enclosed list may not show, or fully show, all persons in attendance.

Name	Organization	Name	Organization
Dave Pelton	NRC	Brad Bingham	HMC
Jane Marshall	NRC	Daniel Lattin	HMC
Jeremy Groom	NRC	Randy Whicker	HMC
Sue Woods	NRC	Thomas Magette	HMC
Michele Burgess	NRC	Adam Arguello	HMC
Bill VonTill	NRC	Kyle Martinez	HMC
Juan Peralta	NRC	JoAnne Martinez	HMC
Ron Linton	NRC	Toby Wright	HMC
George Alexander	NRC	Colleen Coghill	HMC
Greg Warnick	NRC	Eric Burch	HMC
Linda Gersey	NRC	Susan Mathiascheck	HMC
Ian Irvin	NRC	Nicole Olin	DOE
Robert Carpenter	NRC	Anne Maurer	NMED
Nick Hilton	NRC	Laura Watchempino	public
Thomas Lancaster	NRC	John Boomer	public
Mauri Lemoncelli	NRC	Susan Gordon	public
Mark Haire	NRC	George	public
Stephanie Anderson	NRC		
Dave McIntyre	NRC		
Gary Purdy	NRC		
Patricia Jehle	NRC		

cc: Homestake ListServ