



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

September 13, 2023

EA-16-114

Brad R. Bingham
Closure Manager
Grants Reclamation Project
Homestake Mining Company of California
P.O. Box 98/Highway 605
Grants, NM 87020

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RELAXATION OF
CONFIRMATORY ORDER (EA-16-114) CONDITION 6

Dear Brad Bingham:

I am writing in response to your letter, dated June 15, 2023 (ML23170A018), in which you state that Homestake Mining Company of California (HMC) has satisfied Condition 6 of Confirmatory Order EA-16-114 (CO) (ML17061A455) that required submittal of a revised groundwater corrective action program (GCAP).

We acknowledge that HMC submitted a proposed revised GCAP on December 18, 2019 (ML19354B965), with supplemental information provided in a letter dated February 28, 2020, with the intent to satisfy Condition 6.

In response, the U.S. Nuclear Regulatory Commission (NRC) staff informed HMC in a letter dated June 18, 2020 (ML20142A195), that the acceptance review of the submitted information concluded that HMC had not submitted sufficient technical information to begin a detailed review and requested supplemental information. The submission was inadequate to support an NRC determination that Condition 6 was satisfied.

HMC submitted an update to its proposed revised GCAP on November 13, 2020 (ML20358A151), to address the NRC staff's request. However, in this same correspondence, HMC also concluded that "[t]he revised [GCAP] assessment and the results of over 40 years of groundwater corrective action support the need for Alternative Concentration Limits to comply with the requirements of 10 CFR 40 Appendix A Criterion 5B(5)."

In its response letter dated April 30, 2021 (ML21112A051), the NRC staff informed HMC that the NRC staff acceptance review of the submitted information concluded that it still did not contain sufficient technical information to begin a detailed review, and provided comments developed during the acceptance review. The submission was inadequate to support an NRC determination that Condition 6 was satisfied. Regarding the proposed alternate concentration limit (ACL) submission, the NRC staff indicated that HMC's submission of an ACL application would result in the NRC staff suspending its review of the proposed revised GCAP while the

ACL application was under review. The NRC staff also stated that if an ACL application is not submitted, or cannot be approved by the NRC, the NRC would resume review of the GCAP, including HMC submission of a revised GCAP that addresses the NRC comments included in the letter.

On August 8, 2022 (ML22263A299), HMC submitted an ACL license amendment request (LAR). In response, the NRC informed HMC on May 17, 2023 (ML23119A006), that the NRC staff performed an acceptance review to determine if the LAR contained sufficient technical information to conduct a detailed technical review. The NRC staff concluded that the LAR did not contain sufficient information and, therefore, the NRC informed HMC that it was not accepting for review HMC's LAR for ACLs.

Therefore, in our letter dated May 19, 2023 (ML23136B197), the NRC stated that it would resume review of the proposed revised GCAP information. The letter also extended the due date for Condition 6 to December 1, 2023, to allow HMC sufficient time to complete an adequate submission.

To facilitate understanding of what would constitute an adequate submission, the NRC and HMC met in a virtual setting, open to public participation, on May 22, 2023, where the NRC discussed the scope and content expected in a revised GCAP. Specifically, the staff indicated that a revised GCAP submitted to satisfy Condition 6 of the CO would need to include an updated description of the existing GCAP program that reflects current site operations, including, for example: systems, components, operational capacities and operational levels, and procedures. Consistent with requirements in Condition 6, this revised information should also include amendments to the license approved as of the date of the submittal. The meeting summary is documented in ML23166A160.

In your June 15, 2023, letter you proposed that a crosswalk summarizing where specific information can be found in license conditions and tie down documents would be more appropriate to meet the Condition 6 objective than a revised GCAP submission.

After internal deliberation, and due consideration of your suggestion, the NRC determined that this proposed approach of a crosswalk is consistent with the intent of Condition 6. Accordingly, I am hereby relaxing Condition 6 of NRC Confirmatory Order EA-16-114, issued March 28, 2017 (ML17061A455), to allow the submittal of a crosswalk, in lieu of a revised GCAP submittal, provided the crosswalk identifies where the following specific information can be found in license conditions, tie down documents, and other operational procedures, reflecting site operational conditions through the date of the crosswalk submittal:

1. items listed in NUREG-1620 "Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act of 1978," Section 4.4, "Ground-Water Corrective Action and Compliance Monitoring Plan," Section 4.4.3 (1) Items (a) through (f) including sub-bullets, and

2. information that addresses 10 CFR 40, Appendix A, Criterion 5D¹ and Criterion 7A,² specifically:

- The annual pumping volume for each extraction well and the current concentration for each extraction well. Figures 6-20 and 6-21 in the 2022 Annual Monitoring Report show collection wells and injection wells and lines. The report records the amount pumped from each aquifer. However, it is not clear how much has been pumped from each well. The NRC staff understand that because of the changing nature of the plume and environmental conditions, HMC may not be able to specify which wells will need to be pumped and how much each well will need to be pumped. However, information is needed on how the licensee manages the corrective action program activities to ensure reclamation of the groundwater is completed as expeditiously as is reasonably achievable (e.g., evaluation of trends in recent groundwater monitoring data), as required by License Condition 36B (NUREG-1620, 4.4.3 (1) (f)).
- The annual amounts of water from the San Andres-Glorieta aquifer (SAG) that is being injected into each injection well and the annual amounts of treated reverse osmosis (RO) water plus SAG water from the post treatment tank that is being injected into each injection well (NUREG-1620, 4.4.3 (1) (f)).
- The operational capacity of systems associated with the GCAP, including the RO system and the evaporation ponds (NUREG-1620, 4.4.3 (1) (f)), and
- Information necessary to operate the systems and components associated with the GCAP, including the well field injection and extraction wells, infiltration lines, RO plant, and evaporation ponds (NUREG-1620, 4.4.3 (1) (f)). The information necessary may be limited to references to HMC procedures and where they can be found.

In my previous correspondence to you dated May 19, 2023, I relaxed the previously established due date for Condition 6 of November 15, 2020 (ML20358A192), and established December 1, 2023, as a new compliance date. However, considering that additional time may be necessary for the development of a comprehensive crosswalk, as described above, I am hereby relaxing the compliance date to March 29, 2024. Therefore, HMC must submit this crosswalk information no later than March 29, 2024, to comply with Condition 6 of NRC Confirmatory Order EA-16-114.

The CO relaxation approach and new compliance deadline described in this letter was discussed with you and members of your staff on September 11, 2023, and you agreed that a new deadline of March 29, 2024, for the crosswalk submittal is acceptable.

¹ As required, in part, in 10 CFR 40, Appendix A, Criterion 5D:

The objective of the ground water corrective action program is to return hazardous constituent concentration levels in groundwater to the concentration levels set as standards. The licensee's proposed program must address removing hazardous constituents that have entered the groundwater at the point of compliance or treating them in place. The licensee shall continue corrective action measures to the extent necessary to achieve and maintain compliance with the groundwater standard.

² As required, in part, in 10 CFR 40, Appendix A, Criterion 7A:ye

In conjunction with a corrective action program, the licensee shall establish and implement a corrective action monitoring program. The purpose of the corrective action monitoring program is to demonstrate the effectiveness of the corrective actions.

B. Bingham

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If you have any questions regarding this letter, please contact Juan Peralta of my staff at 301-287-9510, or via email at Juan.Peralta@nrc.gov.

Sincerely,



Signed by Pelton, David
on 09/13/23

David L. Pelton, Director
Office of Enforcement

cc: Homestake ListServ
M. Purcell (EPA) (via ListServ)
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Docket No. 040-08903
License No.SUA-1471

Homestake Mining Co., NRC Relaxation of Confirmatory Order (EA-16-114) Condition 6 DATE September 13, 2023

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