

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

Michael M. Gibson, Chair
G. Paul Bollwerk, III
Dr. Sue H. Abreu

In the Matter of:

HOMESTAKE MINING COMPANY OF
CALIFORNIA

(Denial of License Amendment Request)

Docket No. 40-8903-LA

ASLBP No. 23-980-03-LA-BD01

September 25, 2023

ORDER

(Granting Hearing Demand; Deferring Scheduling Conference)

On September 5, 2023, Homestake Mining Company of California (HMC) filed a hearing demand challenging the Nuclear Regulatory Commission (NRC) Staff's August 15, 2023 denial of HMC's December 10, 2020 license amendment application to make changes to the monitoring station configuration at HMC's Grants, New Mexico reclamation project site.¹ On September 20, 2023, the Licensing Board held a status conference with the parties to discuss matters relating to this 10 C.F.R. Part 2, Subpart L proceeding.² At this status conference, the NRC Staff indicated that it did not oppose HMC's hearing demand.³ The Board therefore grants HMC's hearing demand.

Ordinarily at this point, the Board would set a date for a scheduling conference to discuss the discovery process and other items pertinent to establishing a date for an evidentiary

¹ See [HMC]'s Demand for Hearing on the NRC Staff's Denial of the License Amendment Request to Change the Background Monitoring Location for Radon and Ambient Gamma Radiation for Source Materials License No. SUA-1471 (Sept. 5, 2023).

² See Tr. at 3.

³ See *id.* at 4–5.

hearing.⁴ However, the Board was informed at the September 20 status conference that HMC and the NRC Staff are discussing a possible settlement regarding the issues in this proceeding.⁵ The Board will therefore defer setting a date for the scheduling conference until the parties have provided a report to the Board on the status of their negotiations, which should be submitted no later than November 6, 2023. The Board also is cognizant of the potential federal government shutdown beginning October 1, 2023, and asks that the parties file extensions of time for submitting a status report as needed. Additionally, the parties indicated during the conference that should they conclude that it would aid the settlement process, they would submit a joint motion asking that the Board request that the Chief Administrative Judge appoint a settlement judge.⁶

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chair
ADMINISTRATIVE JUDGE

/RA/

G. Paul Bollwerk, III
ADMINISTRATIVE JUDGE

/RA/

Dr. Sue H. Abreu
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 25, 2023

⁴ See 10 C.F.R. 2.332(a).

⁵ See Tr. at 10–12.

⁶ See id. at 12; see also 10 C.F.R. § 2.338(b)(1).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Granting Hearing Demand; Deferring Scheduling Conference)** have been served upon the following persons by Electronic Information Exchange.

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HOMESTAKE MINING COMPANY OF CALIFORNIA – Docket No. 40-8903-LA
ORDER (Granting Hearing Demand; Deferring Scheduling Conference)

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 25th day of September 2023