

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

November 3, 2023

ORDER

(Second Deferral of Setting Date for Scheduling
Conference Pending Continued Settlement Discussions)

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 parties also indicated that they were discussing a possible settlement regarding the issues in the proceeding.⁴

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.

⁴ See *id.* at 10–12.

Accordingly, on September 25, 2023, the Board granted HMC's hearing demand, deferred setting a date for a conference to establish schedules for discovery and an evidentiary hearing in this proceeding, and instructed the parties to submit a report to the Board on the status of their negotiations, to be filed no later than November 6, 2023.⁵

Thereafter, on November 2, 2023, the NRC Staff and HMC submitted an update regarding the status of settlement discussions.⁶ This report states that "[t]he parties have held two productive settlement conferences and agree that continuing discussions would be mutually beneficial."⁷ Accordingly, the parties have jointly proposed they be allowed to continue their settlement discussions and to provide another status report to the Board no later than December 18, 2023.⁸

For good cause shown, the Board grants the NRC Staff's and HMC's joint proposal to continue their settlement discussions and to provide the Board with a status report regarding their settlement negotiations, which should be filed no later than Monday, December 18, 2023.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 3, 2023

⁵ See Licensing Board Order (Granting Hearing Demand; Deferring Scheduling Conference) (Sept. 25, 2023) (unpublished).

⁶ See Joint Settlement Status Update (Nov. 2, 2023).

⁷ Id. at 1.

⁸ See id.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
HOMESTAKE MINING COMPANY) Docket No. 40-8903-LA
OF CALIFORNIA)
)
(Denial of License Amendment Request))
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Second Deferral of Setting Date for Scheduling Conference Pending Settlement Discussions)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate Adjudication
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: ocaamail.resource@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop: O-16B33
Washington, DC 20555-0001
E-mail: hearingdocket@nrc.gov

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
Mail Stop: T-3F23
Washington, DC 20555-0001
Michael M. Gibson, Chair
G. Paul Bollwerk, III, Administrative Judge
Dr. Sue H. Abreu, Administrative Judge
Noel M. Johnson, Law Clerk
Emily G. Newman, Law Clerk
E-mail: Michael.Gibson@nrc.gov
Paul.Bollwerk@nrc.gov
Sue.Abreu@nrc.gov
Noel.Johnson@nrc.gov
Emily.Newman@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-14A44
Washington, DC 20555-0001
Kevin D. Bernstein
Patricia A. Jehle
Catherine E. Kanatas
Mauri T. Lemoncelli
Brian Newell
Georgiann Hampton
E-mail: Kevin.Bernstein@nrc.gov
Patricia.Jehle@nrc.gov
Catherine.Kanatas@nrc.gov
Mauri.Lemoncelli@nrc.gov
Brian.Newell@nrc.gov
Georgiann.Hampton@nrc.gov

Counsel for Homestake Mining Company
of California
Pillsbury Winthrop Shaw Pittman, LLP
1200 17th Street, NW
Washington, DC 20036
Ashley Meredith
Timothy J. V. Walsh
E-mail: Ashley.Meredith@pillsburylaw.com
Timothy.Walsh@pillsburylaw.com

HOMESTAKE MINING COMPANY OF CALIFORNIA – Docket No. 40-8903-LA
**ORDER (Second Deferral of Setting Date for Scheduling Conference
Pending Continued Settlement Discussions)**

Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 3rd day of November 2023