



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

February 4, 2025

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 REVIEW OF HOMESTAKE MINING COMPANY OF CALIFORNIA, GRANTS RECLAMATION PROJECT, RESPONSE TO SEPTEMBER 4, 2024, LETTER SUBMITTAL RELATED TO CONDITION 6 OF CONFIRMATORY ORDER (EA-16-114), RELAXATION OF CONDITIONS 5 AND 16, AND CLARIFICATION OF ORDER STATUS, DOCKET 04-8903

Dear Mr. Bingham:

I am writing in response to your letter, dated September 4, 2024 ([ML24257A186](#)) regarding the status of Confirmatory Order EA-16-114 (CO) ([ML17060A752](#)). Your letter included responses to the U.S. Nuclear Regulatory Commission (NRC) letter, dated September 13, 2023 ([ML23233A105](#)), pertaining to the relaxation of CO Condition 6.¹ The NRC's relaxation of CO Condition 6 allowed for the submittal of a "crosswalk" in lieu of a revised Groundwater Corrective Action Program. Homestake Mining Company of California (HMC) initially provided the requested crosswalk in correspondence dated March 29, 2024 ([ML24092A406](#)), and provided a clarified crosswalk in correspondence dated September 4, 2024.

The NRC staff has determined that the September 4, 2024, submittal satisfies the requirements in CO Condition 6 as relaxed by the NRC in our letter dated September 13, 2023. Further, the crosswalk HMC provided is a useful tool for preventing recurrence of noncompliance issues. NRC encourages HMC to maintain crosswalk copies available and up to date to ensure that current and future HMC staff can easily reference the document along with the requirements in the NRC license and all applicable NRC regulations. Additionally, the crosswalk will serve to facilitate clear communications between HMC staff and NRC, especially as a reference document during NRC inspections.

The NRC staff examined the status of Conditions 5 and 16 and has determined that, to date, HMC has provided all relevant information and does not anticipate further action under these conditions. Therefore, I am hereby relaxing CO Conditions 5 and 16 to no longer require HMC

¹ All references to "conditions" are contained in Section V of the Confirmatory Order EA-16-114, dated March 28, 2017.

to provide the CO related information as these conditions state:

- Condition 5 states, "...for any changes or additions to the license or procedures resulting from this Confirmatory Order, HMC will either (1) submit to the NRC a license amendment request(s), for NRC approval, or (2) update the appropriate HMC procedure(s) after notification of the NRC"; and
- Condition 16 states, "HMC will provide to the NRC an integrated table that sets forth all actions taken pursuant to this Confirmatory Order. *An updated integrated table will be provided to the NRC semi-annually, until all license and procedure changes under this Confirmatory Order are completed.*"

In summary, NRC considers the current status of the CO is as follows:

- The NRC staff has determined that CO Conditions 1, 2, 3, 6, 8, 9, 11, 13, 14, and 15 are satisfied. These conditions do not contain ongoing requirements and will not be subject to future inspections.
- Conditions 5 and 16 are relaxed, as described above.
- NRC inspection identified that HMC was in compliance with CO Conditions 4, 7, 10, and 12 requirements at the time of the inspection.² The ongoing requirements for future HMC actions contained in these conditions are subject to future inspections.

As further clarification of the remaining ongoing requirements in the CO, Condition 4, Item e states, "HMC will maintain copies of all reports [contemplated in Condition 4] at the site for NRC inspection." Additionally, Condition 7 requires annual training and related documentation. Condition 10 has the remaining ongoing requirement that, "[i]n the event of a future non-compliance related to the GWPS, HMC will perform a similar assessment of the impacts of the non-compliance. HMC will report the incident to the NRC in accordance with License Condition 40 within 30 days of receipt of initial and confirmatory laboratory results." Lastly, Condition 12 addresses procedures for sampling Sample Point 2 and reporting results in the semi-annual and annual reports pursuant to License Conditions 15 and 42. Condition 12 also provides the ongoing requirement that, "[f]or any report submitted to NRC, HMC will clearly identify all values at SP2 that exceed GWPS or regulatory or license limits for the COCs identified in License Condition 35B and corrective actions taken, if any, as a result of the exceedances."

Your September 4, 2024, letter also requests that NRC "terminate" the Confirmatory Order (and the associated License Condition 44) because, according to HMC, "all CO conditions have been met." As explained above, the NRC staff does not agree with this characterization and maintains that CO Conditions 4, 7, 10, and 12 contain ongoing requirements.

Furthermore, the NRC does not terminate orders. Once issued, CO EA-16-114 modified the HMC license (License No.SUA-1471) and remains the official record of the agreement reached between the NRC and HMC during the alternative dispute resolution (ADR) mediation sessions. The Order documents that the NRC agreed to forgo seeking an NOV or civil penalty in lieu of binding commitments made by HMC.³

As noted in the CO, the NRC staff remains open to relaxing the conditions upon demonstration by HMC of good cause.

² NRC Inspection Report 04008903/2024002, September 11, 2024, Agencywide Documents Access and Management System (ADAMS) Accession No. ML24249A176.

³ See Confirmatory Order EA-16-114, dated March 28, 2017, at 3.

B. Bingham

- 3 -

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 02/04/25

David L. Pelton, Director
Office of Enforcement

Docket No. 040-08903

License No.SUA-1471

cc: Homestake ListServ
M. Purcell (EPA) (via ListServ)
C. Dimond (NMED) (via ListServ)
N. Olin (DOE) (via ListServ)
G. Swanson (OSE) (via ListServ)

SUBJECT: NUCLEAR REGULATORY COMMISSION REVIEW OF HOMESTAKE MINING COMPANY OF CALIFORNIA, GRANTS RECLAMATION PROJECT, RESPONSE TO SEPTEMBER 4, 2024, LETTER SUBMITTAL RELATED TO CONDITION 6 OF CONFIRMATORY ORDER (EA-16-114), RELAXATION OF CONDITIONS 5 AND 16, AND CLARIFICATION OF ORDER STATUS, DOCKET 04-8903 DATED: February 4, 2025

DISTRIBUTION:

J. Marshall, NMSS
 R. VonTill, NMSS
 R. Linton, NMSS
 G. Alexander, NMSS
 M. Burgess, NMSS
 S. Rogers, OGC

R. Carpenter, OGC
 M. Lemoncelli, OGC
 P. Jehle, OGC
 J. Josey, RIV
 A. Roberts, RIV
 D. Pelton, OE

J. Cai, OE
 J. Peralta, OE
 S. Woods, OE
 N. Hilton, OE
 OE ADAMS r/f

ADAMS Accession No.: ML25024A225

OFFICE	OE/EB	OE/EB: BC	NMSS/DUWP: OD
NAME	SWoods	JPeralta	JMarshall
DATE	1/30/2025	1/24/2025	1/28/2025
OFFICE	OE:DD	OGC/LHE/SE	OGC/LHE/MFW
NAME	DPelton	RCarpenter	MLemoncelli
DATE	1/31/2025	2/3/2025	2/3/2025

OFFICIAL RECORD COPY