

Response to June 15, 2012 Email from C. Head-Dylla

Thank you for attending the Public Meeting on June 7, 2012. At the public meeting you were given an opportunity to ask questions of the NRC senior management and technical staff. Several of the questions in your June 15, 2012 email are repeats and were addressed at length during the meeting. Below are responses to your comments.

Comment

1. We would like to give NMED and EPA till August 31 to review the CAP and we would like our comments due September 31. You have given Homestake/Barrick Gold all the time it needed to prepare the CAP.

Surely, the community can have a minimal chance to respond.

Response

EPA and NMED have agreed to submit their final comments on the Corrective Action Program (CAP) to NRC by July 29, 2012. Public comments are requested by August 31, 2012. A comment period of 120 days should be sufficient.

Comment

2. When HBG requested additional permitting from NMOSE for a large increase in wells, why wasn't this considered a major revision, triggering an EIS?

Response

Homestake Mining Company (HMC) requests to the NMOSE regarding discharge permits are not NRC licensing actions and thus not subject to NRC requirements. Please direct your question to NMOSE.

Comment

3. Has H/BG, NRC, EPA, NMED consulted with the Village of Milan in regards to how this failed remediation has affected the backup wells the Village acquired for future municipal use? Are the agencies all confident that the contamination will never reach the Village of Milan's current well?

Response

NRC disagrees with your assertion that this is a failed remediation effort. NRC has not specifically consulted with the Village of Milan regarding backup wells. The agencies and HMC are continuously monitoring and tracking the extent and the reduction of contaminants in each of the aquifers of concern to ensure that the Village of Milan's public water supply does not become affected by the site derived contaminants of concern.

Comment

4. What is the evacuation plan in case of major flooding? Who is responsible for this plan? Is the agency/entity responsible for a plan aware?

Response

This issue was discussed at length at the June 7, 2012, Public Meeting. Emergency response to flooding, wild fires, and severe weather is a state/county/municipality responsibility.

Comment

5. We are hoping you find the early well data from the first wells at the H/BG site in your old AEC files. We would like to know as soon as you find them, what the data says.

Response

NRC does, and will continue to, make all data associated with the HMC site available to the public.

Comment

6. We're still unsure what is means that the CAP is to be the all-encompassing "guiding" document. We would like this spelled out more thoroughly. What happens to the Third 5-Year Review? What about the Risk Assessment? Please clarify the regulatory framework at the site for us again.

Response

The Executive Steering Committee consisting of senior level managers from NRC, EPA, and NMED agreed that the updated CAP should include the regulatory requirements from all three regulatory agencies. By addressing all agencies needs in the CAP, HMC will know exactly what must be done to have its NRC license terminated and the site removed from the NPL. The results of EPA's 5-year review and risk assessment will be incorporated in the CAP as EPA requirements.

Comment

7. EPA has mechanisms for assisting communities in the form of TAG and TASC. Does NRC have a way to assist communities in obtaining technical assistance? If so, please provide details? If not, please explain.

Response

No, NRC does not have a mechanism for providing the public with funds to hire technical assistance consultants. The public's health and safety is already protected by the agencies regulating the HMC site.

Comment

8. What alternatives could NRC suggest so that H/BG is not forced to apply contaminated water to land in our community? Does the agency understand the argument that this is necessary to contain the plume?

If so, how is the plume contained in the winter when water cannot be applied? Please discuss this problem so we understand your position.

Response

Section 5.0 of the updated CAP provides a description of the existing components of the remediation strategy at the HMC site. The land application program is described in 5.3.5. As stated in Section 5.3.5, land application is used to manage large volumes of slightly contaminated water. As seen in Figure 5.2-2 of the CAP, the bulk of the slightly contaminated water used in land application comes from the alluvial aquifer. To effectively remediate the alluvial aquifer, HMC must remove contaminated groundwater from the plume and inject clean

water to form a hydraulic barrier to assure that the plume does not migrate further downgradient. As your comment implies, water management is much more difficult in the winter months since HMC loses the ability to land apply and has greatly reduced evaporative effectiveness.

The groundwater used for land treatment meets NRCs standards for effluent release. In order to address the states concerns regarding recontamination of the alluvial aquifer, HMC is reducing the concentrations of the constituents of concern (COCs) to the levels proposed in Table 6.3.5-1.

NRC does not suggest alternatives to licensees. NRC licensees are required to meet NRC regulations. However, increased RO capacity, increased evaporative capacity, or alternative treatment technologies such as ex situ zeolite treatment could be used for water management in place of land application. HMC must provide technical justification for any remediation methodology selected. The NRC must review and approve the selected methodology.

Comment

9. Would NRC please make the Annual H/BG Reports and Comments available in our local libraries as well? We don't just mean going forward but past Reports and Comments so local citizens can become and stay informed.

Response

No, NRC has no plans to send hard copies of all HMC reports, past and future, to the local libraries. We acknowledged your desire to have hard copies of the updated CAP available in the public libraries due to the size of the CAP and the length of time it takes to download. Hard copies of the CAP will soon be sent to your local public libraries and the Gallup public library. However, most of the HMC documents are not very large and can be easily downloaded by members of the public.

Comment

10. Could you please send us the ppts. used at the June 7 meeting?

Response

Copies of the NRC's PowerPoint presentations were provided at the public meeting. In addition, the PowerPoint presentations will be made available in ADAMS along with the transcript of the public meeting.

Comment

11. Isn't there a current role for the DOE in the H/BG site given that contamination from the Bluewater site is also moving in the direction of our community?

Response

At this time there is no role for DOE in the HMC remediation activities. DOE will become the HMC site long-term custodian when the NRC license is terminated and the site is removed from the NPL. As you know, DOE is currently the long-term custodian for the Bluewater site. The Bluewater site is a Title II site regulated by the NRC. Exceedance of the alternative concentration limit for uranium at the Bluewater site is being addressed in accordance with the

Long-Term Surveillance Plan for the DOE Bluewater (UMTRCA Title II) Disposal Site Near Grants, New Mexico.

Comment

12. Our community does not have time to send you a letter for every set of minutes we read from your executive committee meetings. We would like to participate in those meetings so we are in a proactive rather than a reactive position.

Response

You are not required to send a letter responding to the meeting minutes from the ESC meetings. As you know, the ESC is composed of senior managers from NRC, EPA and NMED. The purpose of the ESC is to make policy decisions resolving differences between the regulatory agencies regarding CERCLA and UMTRCA regulations. As discussed at the public meeting, these meetings are government to government meetings and not open to the public.

Comment

14. We would like the NRC, EPA and NMED to do a very simple mathematical calculation. We would like you to add together the pounds of each COC HBG claims it has removed thus far. We would like you to convert those total pounds for each COC to volume. We would like you to then give us a total volume of contaminants removed and compare that to the volume of the current ponds.

Response

Section 5.5.2.1 of the CAP describes HMC's mass removal analysis. Please review this section and provide your comments by August 31, 2012.

Comment

15. The terms "making progress" "proactive" "successful" are value judgments which the community does not agree can be appropriately applied to this 30+ year remediation. Such terms should be omitted from the CAP. Please explain how you plan to address this problem.

Response

NRC believes progress is being made at the HMC site. The reduction of contaminant concentrations within each of the aquifers and the large tailings pile has successfully reduced concentrations within the impacted areas. Groundwater remediation is generally a slow process, which includes many known and unknown constraining factors that are both technical and regulatory in nature. The terms are acceptable to NRC.

Comment

16. Who, specifically, is responsible for the decision not to simply move directly to an EIS for the site? Could that person please lay out his/her argument for not doing so immediately?

Response

The process for determining whether an EIS is required is provided in NUREG-1748 as was discussed at length at the June 7, 2012, Public Meeting.

Comment

17. When H/BG says it has spent \$100 million on this "remediation" is that their share or total spent including the taxpayer's share? Would you also please break that out into costs per year? And, then am I correct then that it took H/BG less than 9 days of this year's profit to pay for 30+ years of cleanup at this site? Could someone please do the math on this for us to see if this is correct?

Response

NRC has no requirement to approve or disprove what HMC has spent on reclamation activities to date. HMC is required to have sufficient financial assurance in place to cover outstanding reclamation costs. To demonstrate adequate financial assurance, HMC is required to submit a decommissioning cost estimate annually for remaining reclamation activities. This cost estimate must be reviewed and approved by NRC. Currently, HMC is meeting the regulatory requirements of NRC, EPA and the State.

Comment

18. We would like to follow the agency's review of BIER VII and how that might be changing regulations at the NRC for this site? How could maybe MASE monitor progress on this front?

Response

The staff's efforts for reviewing and revising the NRC's regulations and guidance for radiation protection are discussed in SECY-12-0064, "Recommendations for Policy and Technical Direction to Revise Radiation Protection Regulations and Guidance," dated April 25, 2012 (ADAMS No. ML121020108). In this report the staff summarizes interactions with stakeholders with respect to the 2007 Recommendations of the International Commission on Radiological Protection (ICRP) and requests Commission approval of staff recommendations for policy and technical directions to revise the NRC's regulations and guidance for radiation protection. The Commission has yet to vote on the staff's recommendations.

Individuals interested in following proposed changes to NRC's regulations and guidance for radiation protection should read the SECY and technical basis documents. If MASE has questions after reading the documents, I will have the appropriate NRC staff member call her.