

From: [Linton, Ron](#)
To: [Connie Mirabal](#)
Cc: [Von Till, Bill](#); [Jehle, Patricia](#); [Irvin, Ian](#); [Alexander, George](#); [Mandeville, Douglas](#)
Subject: RE: [External_Sender] Homestake Questions
Date: Thursday, April 21, 2022 12:53:00 PM

Dear Mr. Mirabal:

Below are NRC's responses to the questions you asked in your e-mail to me dated February 6, 2022.

Question: Homestake is in the process of purchasing properties in the area and I was wondering what will happen once they are no longer involved? Would the NRC condemn property that Homestake did not purchase?

NRC Response: Under the current structure of the Uranium Mill Tailings Radiation Control Act, typically the U.S. Department of Energy (DOE) will become the long-term care and maintenance custodian of Homestake's Grants Reclamation Project (GRP). Before DOE becomes the long-term care and maintenance custodian, Homestake Mining Company of California (HMC) must finish remediation activities at the GRP to the satisfaction of the regulatory agencies. Upon completion of cleanup activities by HMC, the NRC will work with both HMC and DOE to arrange for the eventual transfer of the GRP and any adjacent properties to DOE for long-term care and management in order to protect the public health and safety, life or property, or the common defense and security. The NRC does not anticipate any condemnation of property and has not condemned property in the past. However, if the NRC determines that additional adjacent properties are needed to be included in the DOE long-term care and maintenance boundary, the NRC would encourage HMC to continue negotiations with the nearby landowners before turning to alternative measures. For example, the NRC has approved of restrictive covenants on deeds, the purchase of additional properties, and required fencing and signage to limit access to areas within the long-term care and management boundary to ensure protection of the public health and safety, life or property, or the common defense and security. Additional information about the Homestake cleanup can be found at: <https://www.nrc.gov/info-finder/decommissioning/uranium/homestake.html>

Question: What is the timeframe that NRC has to take the Homestake Superfund property over from Homestake?

NRC Response: The first step in the process of transferring the GRP is that HMC must first finish cleanup activities to the satisfaction of the regulatory agencies. After the completion of cleanup activities, DOE will prepare a long-term surveillance plan (LTSP), which will define DOE's proposed program for long-term care and stewardship of the site. Additionally, the NRC will continue to satisfy its obligations under the National Environmental Policy Act (NEPA). The NRC will assess adequacy of the LTSP proposed by DOE. The NRC staff will use [NUREG-1620, Revision 1, "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"](#) and [NUREG-1748, "Environmental Review Guidance for Licensing Actions Associated with NMSS Programs,"](#) as guidance to assess DOE's LTSP and to draft the NEPA documents, respectively. In addition, the NRC will work with HMC and

DOE on determining the long-term care and management boundary of the property to be transferred. Therefore, the need to transfer property outside the existing boundaries of the GRP may be necessary and, in that case adjacent properties, may need to eventually transfer to DOE for long-term care and management. The Bluewater Disposal Site, a few miles to the northwest of the HMC GRP, is an example of a site that has been turned over to the DOE for long-term care and management. Additional information on the Bluewater site can be found at: <https://www.energy.gov/lm/bluewater-new-mexico-disposal-site>

Question: If the NRC was to take over the property, would they fence in and maintain the mill site only or would they consider fencing and maintaining all of the properties the Homestake buys?

NRC Response: As the likely ultimate long-term care custodian, DOE will eventually develop a LTSP, which will document and explain how DOE will fulfill NRC requirements found in Title [10 of the Code of Federal Regulations Section 40.28](#) in order to protect the public health and safety, life or property, or the common defense and security. Fencing and maintenance of the mill site and adjacent properties that need to be protected would be discussed in the LTSP. A link to NRC's regulations, Title [10 of the Code of Federal Regulations Section 40.28](#) can be accessed at the following link:

<https://www.nrc.gov/reading-rm/doc-collections/cfr/part040/part040-0028.html>

Question: If the NRC does take over, would the homeowners still have the opportunity to sell and would they use the appraisals for the property that Homestake offered?

NRC Response: As mentioned earlier, the long-term care of the GRP will eventually, and most likely, go to DOE as the long-term care and management custodian of the site. The Uranium Mill Tailings Radiation Control Act does not allow for the NRC take control of the GRP or any property HMC may purchase from adjacent homeowners, the custodian will be DOE. Once the GRP has been turned over to DOE as the long-term care and maintenance custodian, it is highly unlikely that additional properties would be purchased.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). Your e-mail address and mailing information is considered personally identifiable information and will be redacted in the public version of this e-mail.

Let me know if you have any additional questions.

Ron C. Linton
Project Manager/Hydrogeologist
U.S. NRC
Office of Nuclear Material Safety and Safeguards

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From: Linton, Ron
Sent: Tuesday, March 22, 2022 12:59 PM
To: Connie Mirabal [REDACTED]
Subject: RE: [External_Sender] Homestake Questions

Mr. Mirabal:
NRC responses have been delayed. I hope to get you a response by April 22. I have not forgotten your questions.
Ron

Ron C. Linton, Project Manager
U.S. NRC
phone 301-415-7777
ron.linton@nrc.gov

From: Linton, Ron
Sent: Monday, February 07, 2022 8:12 AM
To: Connie Mirabal [REDACTED]
Subject: RE: [External_Sender] Homestake Questions

Mr. Mirabal:
Your questions received. I'll try to get responses to you within 30 days. I would like to run my answers past management and legal folks before I respond.
Let me know if you have any other questions or need additional assistance.
Thanks.
Ron

Ron C. Linton
Project Manager/Hydrogeologist
U.S. Nuclear Regulatory Commission
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From: Connie Mirabal [REDACTED]
Sent: Sunday, February 06, 2022 11:49 AM
To: Linton, Ron <Ron.Linton@nrc.gov>
Subject: [External_Sender]

Dear Mr. Linton,

Could you kindly answer a few questions that we have about the Homestake Site located in Milan, NM. We live in the Pleasant Valley subdivision and have been speaking to Homestake about our property.

Homestake is in the process of purchasing properties in the area and I was wondering what will happen once they are no longer involved? Would the NRC condemn property that Homestake did not purchase?

What is the timeframe that NRC has to take the Homestake Superfund property over from Homestake?

If the NRC was to take over the property, would they fence in and maintain the mill site only or would they consider fencing and maintaining all of the properties the Homestake buys?

If the NRC does take over, would the homeowners still have the opportunity to sell and would they use the appraisals for the property that Homestake offered?

Thank you so much for your time.

Gene Mirabal

[REDACTED]
[REDACTED]
[REDACTED]