



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

May 24, 2022

Mr. Brad R. Bingham
Closure Manager
Homestake Mining Co. of CA
Grants Reclamation Project
P.O. Box 98/Highway 605
Grants, NM 87020

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION, PROPOSED AMENDMENT OF
LICENSE CONDITION 36.E FOR THE HOMESTAKE MINING COMPANY OF
CALIFORNIA, GRANTS RECLAMATION PROJECT, MATERIALS LICENSE
SUA-1471, DOCKET NUMBER 04008903

Dear Mr. Bingham:

The U.S. Nuclear Regulatory Commission (NRC) is requesting the Homestake Mining Company of California (HMC) submit a license amendment request (LAR) to amend HMC's materials license SUA-1471, License Condition (LC) 36.E. The need for a license amendment to clarify the requirements for demonstrating compliance with the 20 pCi/m²s radon flux standard in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40, Appendix A, Criterion 6A(2), was identified in the NRC's letter dated May 5, 2021,¹ withdrawing the Notice of Violation documented in NRC Inspection Report 040-08903/2016-001.

In the NRC's May 5, 2021, letter, the NRC staff determined that the addition of License Condition 36.E to HMC's license introduced an ambiguous requirement for the methodology to be used in demonstrating compliance with the radon flux standard. This ambiguity concerns the commitments made in the licensee's October 28, 2003,² submittal, referenced in LC 36.E. Specifically, while License Condition 36.E includes a requirement to perform a radon flux survey, the licensee's October 28, 2003, submittal does not clearly articulate the methodology to be used in demonstrating compliance with the radon flux standard.

In a letter dated September 13, 2017,³ HMC proposed an interim methodology to be used in demonstrating compliance with the radon flux standard. HMC proposed procedures for calculating the annual average radon flux from the large tailings pile (LTP) and the small tailings pile (STP) in its Technical Memorandum contained in its September 13, 2017, submission. The proposed methodology uses the procedures described in 40 CFR Part 61, Appendix B, Method 115 (U.S. Environmental Protection Agency (EPA) Method 115). The September 13, 2017, submission was accepted on an interim basis by NRC staff in its letter dated October 19, 2017,⁴ with the correction that NRC considers the STP is not operational.⁵

¹ Agencywide Documents Access and Management System (ADAMS) Accession No. ML21124A358

² ML033030501

³ ML17264A070

⁴ ML17292A953

⁵ ML21257A126

In order to document the approved interim procedure, the NRC staff requests HMC submit an amendment request to document commitments made in its September 13, 2017, submission, to follow the procedures described in EPA Method 115. The NRC proposes the revision to read:

36.E The licensee is to verify compliance with the radon flux standard of 20 pCi/m²s by performing a radon flux survey following the procedures described in 40 CFR Part 61, Appendix B, Method 115, for the large and small tailings piles on an annual basis until the final radon barriers are completed, as required by 10 CFR Part 40, Appendix A, Criterion 6A(2). An annual report detailing results of this survey shall be submitted with the annual corrective action program performance review as specified in condition 35.F.

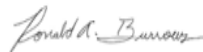
By this change, HMC's license will clearly state HMC will follow the regulations in 10 CFR Part 40, Appendix A, Criterion 6A(2), to determine radon flux on the LTP and the STP, which will require the use of procedures described in EPA Method 115. In addition, LC 36.E will be revised to add the correct reference to LC 35.F for the annual corrective action program performance review. All other conditions of the license will remain the same.

The NRC staff requests HMC submit an LAR within 45 days of this letter. Submission of this LAR does not preclude HMC from requesting NRC approval at a later date to use an alternative method to EPA Method 115 for radon flux measurements.

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 website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this letter or the enclosures, please contact Mr. Ron C. Linton at (301) 415-7777 or by email to ron.linton@nrc.gov.

Sincerely,



Burrows, Ronald signing on behalf
of Linton, Ron
on 05/24/22

Ron C. Linton
Uranium Recovery and Materials
Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No.: 04008903
License No.: SUA-1471

cc: A. Maurer (NMED) (via ListServ)
D. Crosby (OSE) (via ListServ)
M. Purcell (EPA) (via ListServ)
W. Frazier (DOE) (via ListServ)
Homestake Listserv

Letter to B. Bingham, Homestake Mining Company (HMC) - NRC Proposed Amendment of SUA-1471,
License Condition 36.E DATE May 24, 2022

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