



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

November 28, 2022

MEMORANDUM TO: Bill von Till, Chief
Uranium Recovery and Materials
Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

FROM: Ron Linton, Project Manager
Uranium Recovery and Materials
Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Ron C. Linton Signed by Linton, Ron
on 11/28/22

SUBJECT: SUMMARY OF NOVEMBER 2, 2022, PUBLIC OBSERVATIONAL MEETING
WITH HOMESTAKE MINING COMPANY OF CALIFORNIA TO DISCUSS
CONFIRMATORY ORDER EA-16-114, DOCKET NO. 04008903, LICENSE
NO. SUA-1471

DATE OF MEETING: November 2, 2022

MEETING LOCATION: Virtual Microsoft Teams meeting

PURPOSE: To discuss the current status of the Homestake Mining Company of California
(HMC) Confirmatory Order (CO) EA-16-114.

ATTENDEES: A list of attendees is provided in an enclosure to this meeting summary.

SUMMARY:

On November 2, 2022, a virtual public observational meeting was held between the U.S. Nuclear Regulatory Commission (NRC) and the HMC regarding the CO issued to HMC on March 28, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession Package No. [ML17060A752](#)). The meeting notice was published on the NRC website on October 13, 2022 ([ML22286A067](#)). As an observational meeting, members of the public were welcome to attend and observe the proceedings and ask questions to the NRC staff after NRC comments were provided to HMC.

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Prior to the meeting, HMC provided the NRC staff with presentation materials that included several tables for discussion purposes during the meeting (enclosure). The virtual public observational meeting began at 1:00 p.m., Eastern Daylight Time, with the NRC staff making opening remarks regarding the meeting background, purpose, and process. NRC and HMC staff introduced themselves.

The meeting continued with HMC discussing the presentation materials. HMC stated that they believe they have addressed the five apparent violations ([ML16251A526](#)) that were the basis for the Alternative Dispute Resolution process that led to agreement by the parties on the CO. HMC also believes they have satisfied the 16 conditions in the CO that would support their request for closure of the CO. HMC observed that communication with the NRC and all regulatory agencies is better than it has been in the past and they believe that their training, safety culture, and questioning attitude by onsite staff has improved. HMC further explained that with their submission of the Groundwater Corrective Action Program (GCAP) and subsequent Alternative Concentration Limit (ACL) application, they consider that CO Condition 6 has been satisfied.

NRC staff responded that a CO is a permanent modification of a license and, as a general matter, the agency does not take action to “close” a CO. NRC staff explained that a CO condition can be revised or relaxed by NRC based on its review of a written request with justification by a licensee. Further, implementation of CO conditions can be evaluated by NRC staff through, for example, inspection, and any condition identified as satisfied at the time of the inspection may be identified as such in the corresponding NRC inspection report. NRC staff further explained that some of the conditions listed in the HMC presentation as completed have ongoing or future potential actions. NRC staff clarified that CO Condition 6 encompasses both the HMC submission and the NRC approval of the GCAP. However, since HMC identified plans to submit an ACL application, the NRC staff suspended the GCAP review pending review of the ACL application. Further discussion centered around language in CO Condition 6 that is interpreted differently by the parties. HMC questioned if the remaining conditions might be more effectively treated as license conditions, instead of continued action under the CO. HMC asked if they needed to make a written request and what the next steps might be to resolve their concerns regarding the CO.

The NRC staff explained that they came to the meeting focused primarily on listening to HMC concerns to determine what information HMC was seeking. Near the end of the meeting, the NRC staff indicated they now have a better understanding of HMC’s concerns regarding the CO. NRC staff indicated that they would discuss internally HMC’s concerns about the CO, with particular focus on the CO conditions that remain as ongoing requirements. NRC further indicated there may be a need for additional communication in the future with HMC on this issue. The NRC staff did not make any decisions during the meeting.

Following the NRC’s comments to HMC and ongoing discussions, the NRC staff opened the meeting for questions and comments from the public. The NRC staff responded to one question from the public in attendance. Finally, the NRC provided closing remarks and adjourned the meeting at 2:30 pm.

In accordance with Title 10 of the *Code of Federal Regulations* 2.390, “Public inspections, exemptions, requests for withholding,” of the NRC’s “Agency Rules of Practice and Procedure,” a copy of this memorandum will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC’s ADAMS. ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

Cc: Homestake ListServ

Enclosures:

1. HMC presentation
2. List of Attendees



Confirmatory Order Closeout Discussion

Homestake Mining Company Grants Reclamation Project

HMC has addressed the five apparent violations that led to the CO.



Apparent Violation		Status
1	Implementation of the ReInjection Program in a manner inconsistent with HMC's Groundwater Corrective Action Program	Unauthorized collection for reinjection discontinued in 2015
2	Discharge of liquid effluents from the Reverse Osmosis (RO) Plant in excess of the site ground water protection standards established in the license	Addressed through updated procedures, inhouse monitoring, training, and hiring of staff (site engineer, RO operator, compliance personnel)
3	Failure to report to the NRC the results of all effluent monitoring required by the license	Addressed through hiring compliance-devoted staff and consistent reporting in semi-annual and annual reporting
4	Failure to obtain monthly composite samples as required by the license	Addressed through updated procedures, training, and understanding of license requirements, hiring compliance-devoted staff
5	Discharge of liquid effluents containing byproduct material to land application areas without first obtaining NRC approval.	Discontinued in 2012, multiple soil assessments of land application area have been performed resulting in NRC releasing these areas in 2021.

Status of NRC Confirmatory Order Conditions



Condition		Status
1	Prepare Root Cause Analysis Protocol	Satisfied. Confirmed per NRC Inspection Report 040-08903/2017-002.
2	Prepare Root Cause Analysis of 5 apparent violations; Submit proposed corrective actions to NRC within 60 days of completion	Root cause analysis completed. HMC provided corrective action plan to NRC November 14, 2017 and updated corrective action plan July 17, 2018. Condition remains open until NRC has reviewed and approved the licensee's proposed corrective actions associated with this condition and Condition 6.
3	Complete assessment of HMC activities to determine whether all activities are authorized and are being conducted in compliance with NRC requirements	Satisfied. Confirmed per NRC letter of March 19, 2020.
4.a-c, e	Independent third-party review of Condition 3 assessments	Satisfied. Confirmed per NRC Inspection Report 040-08903/2020-001.
4.d	Incorporate NRC audit results of third-party recommendations	Satisfied. Confirmed per NRC Inspection Report 040-08903/2020-001.

Status of NRC Confirmatory Order Conditions



Condition		Status
5.1	Submit license amendment requests for changes to license	Completed. All CO-related LARs submitted.
5.2	Update procedures as necessary	All procedure changes resulting from the CO completed. New or substantially revised procedures confirmed to be acceptable per NRC Inspection Report 040-08903/2022-001.
6	Submit groundwater corrective action plan (GCAP)	GCAP submitted December 15, 2019, RSIs received and resubmitted November 13, 2020, additionally, ACL Application submitted in August 2022.
7	Conduct initial and annual refresher training	Initial training completed as confirmed per NRC Inspection Report 040-08903/2022-001. Annual refresher training continues as an ongoing obligation.
8	Adopt 2012 GCAP mass balance methodology and complete analysis of the re-injection system	Satisfied. Confirmed per NRC correspondence dated October 17, 2022 (ML22275A002).
9	Adjust RO plant operations to better ensure compliance with the Ground Water Protection Standards (GWPS)	Satisfied. Confirmed per NRC Inspection Report 040-08903/2017-002.

Status of NRC Confirmatory Order Conditions



Condition		Status
10	Analyze impact of exceedances and incorporate NRC audit results	Satisfied. Confirmed per NRC Inspection Report 040-08903/2021-001.
11	Modify License Condition 35C.	Satisfied. Confirmed per NRC Inspection Report 040-08903/2017-002.
12	Update SP2 sampling procedures.	Satisfied. Confirmed per NRC Inspection Report 040-08903/2017-002.
13	Revise License Condition 15 as directed.	Satisfied. Confirmed per NRC Inspection Report 040-08903/2017-002.
15	Propose corrective measures to ensure that land application measures (Condition 14) demonstrate that the radiological doses and non-radiological risks are below NRC-approved remedial action levels.	Satisfied. Confirmed that no further corrective measures are required as documented in NRC Safety Evaluation Report, April 29, 2021.
16	Prepare and update integrated table that sets forth all actions taken pursuant to this Confirmatory Order.	Integrated actions table has been provided semi-annually, most recently on October 5, 2022.

LIST OF ATTENDEES:

November 2, 2022, Public Observational Meeting with Homestake Mining Company of California (HMC) to Discuss Confirmatory Order EA-16-114. Since this was a virtual meeting, publicly noticed on the U.S. Nuclear Regulatory Commission (NRC) website for anyone to attend, not all attendees may have been identified in the enclosed list

Name	Organization
Mark Lombard	NRC
Jane Marshall	NRC
Tania Martinez Navedo	NRC
Bill VonTill	NRC
Ron Linton	NRC
George Alexander	NRC
Michele Burgess	NRC
Linda Gersey	NRC
Kevin Hayes	NRC
Susanne Woods	NRC
Angel Moreno	NRC
Rob Evans	NRC
David Jones	NRC
Lisa Dimmick	NRC
Patrick Malone	HMC
Brad Bingham	HMC
Adam Arguello	HMC
Bob Kidwell	HMC
Catherine Coghill	HMC
Elizabeth Rudolf	HMC
JoAnne Martinez	HMC
Randy Whicker	HMC
Susan Mathiascheck	HMC
Tom Magette	HMC
Susan Gordon	Public
Peter Diehl	Public
Tomas Gallegos (Heinrich)	Public
Laura Watchempino	Public

Homestake Mining Company. Summary of Public Observational Meeting to Discuss Confirmatory Order
EA-16-114 DATE November 28, 2022

DISTRIBUTION:

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DJones, OE/EB
LDimmick, NMSS/MSST/MSEB/MRST

ADAMS Accession No.: ML22313A147

OFFICE	NMSS/DUWP /URMDB	NMSS/DUWP/RTAB	NMSS/MSST/MSEB	OE/EB
NAME	RLinton <i>RL</i>	GAlexander <i>GA</i>	MBurgess <i>MB</i>	JPeralta <i>JP</i>
DATE	Nov 10, 2022	Nov 10, 2022	Nov 10, 2022	Nov 18, 2022
OFFICE	NMSS/DUWP /URMDB	NMSS/DUWP /URMDB		
NAME	RVon <i>RV</i>	RLinton <i>RL</i>		
DATE	Nov 18, 2022	Nov 28, 2022		

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