

MAR 29 1991

URFO:DLJ
Docket No. 40-8914
04008914090E

Hecla Mining Company
ATTN: Larry A. Drew, Manager
Environmental Affairs
6500 Mineral Drive
Box C-8000
Coeur d'Alene, Idaho 83814-1931

Dear Mr. Drew:

Our office is in receipt of a letter from the Fernandez Company, Ltd., indicating that the surface rights to the Johnny M Mine are not available. Your letter of March 22, 1991, indicates that Santa Fe Pacific Railroad Company owns the property's mineral rights, and that they will be providing NRC with a letter indicating that the mineral rights are also not available. Once the confirming letter is received from Santa Fe Pacific, coupled with the notification already received from Fernandez Company, Ltd., and along with the fact that no ongoing site surveillance is required because of the deep burial of the tailings, this office will be in a position to waive the transfer requirements pursuant to Section 83(b)(1)(A) of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR 40, Appendix A, Criterion 11. It is, therefore, Hecla Mining Company's responsibility to ensure that notification is made in local public land records of the fact that the land has been used for the disposal of radioactive materials as required 10 CFR 40, Appendix A, Criterion 11. When the notification is complete, copies should be submitted for NRC review.

Upon proper notification in local public land records and decommissioning of the surface contamination in accordance with your approved reclamation plan, as verified by NRC inspection, your NRC Source Material License SUA-1482 will be terminated provided that all applicable NRC regulations have been met. It should be noted that NRC termination of your license does not excuse compliance with any other applicable Federal, State, and local requirements.

For your information, no general license is required for this site pursuant to 10 CFR 40.28 since it has been determined that no ongoing site surveillance is required and because custody of the site will not transfer to one of the designated agencies. On the same basis, no long-term surveillance plan is required either.

PM:URFO
G.Jacoby
03/23/91

BO:URFO
EHawkins
03/29/91

D:URFO:RIV
REHall
03/29/91

RIV:RC
WLBrown
03/28/91

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MAR 29 1991

If you have any questions, please contact D. L. Jacoby of my staff on
(303) 231-5815.

Sincerely,

Original Signed By:

R. E. HALL

Ramon E. Hall
Director

cc:

B. Garcia, RCPD, NM
E. Montoya, NMEID

bcc:

PDR/DCS
URFO r/f
ABBeach, RIV
WLBrown, RIV
LLUR Branch, LLWM
BJacoby
8914/090E/OLJ/91/03/26/L