From: Carter, Ted
To: Castellon, Krupskaya;
Subject: FW: Warranty Deed for Lucky Mc Tailings Property to DOE
Date: Wednesday, June 09, 2010 1:50:22 PM

KC- please add to ADAMS with a date of June 9. 2010.

From: Carter, Ted
Sent: Wednesday, June 09, 2010 1:44 PM
To: 'HARDGROVE Tom (AREVA RESOURCES INC)'
Cc: McConnell, Keith; Orlando, Dominick; Hair, Christopher
Subject: RE: Warranty Deed for Lucky Mc Tailings Property to DOE

Tom,

Per your email below, you asked whether the term "appurtenances" as used in the warranty deed for the transfer of Pathfinder's Lucky Mc site to DOE included byproduct material, as required by license Condition 28 in the Pathfinder's materials license (SUA-672).

According to the NRC Office of General Counsel (OGC), byproduct material does not fall under the term "appurtenances," which generally refers to something that belongs or is attached to something else (i.e., rights-of-way, easements). Byproduct material is more likely characterized as part of the land; therefore, it would transfer along with the parcel of land on which it is located. Based on this information, It is NRC's opinion that byproduct material is already included in the language of the warranty deed.

If you have further questions regarding this subject, please do not hesitate to contact me by email or at 301-415-5543.

Ted

Ted Carter
Senior Project Manager
U.S. Nuclear Regulatory Commission
Office of Federal and State Materials
and Environmental Management Programs
office: 301-415-5543

From: HARDGROVE Tom (AREVA RESOURCES INC) [mailto:tom.hardgrove@areva.com]

Sent: Thursday, May 20, 2010 2:28 PM
To: Carter, Ted
Cc: McConnell, Keith
Subject: Warranty Deed for Lucky Mc Tailings Property to DOE

Ted,

Pathfinder is on the verge of signing over ownership of its fee land within the DOE transfer boundary at Lucky Mc to the United States (DOE) by way of the attached Warranty Deed. Our management has posed this question: Does the Warranty Deed (which we understand reflects the exact requisite language for such transfers, and that has been reviewed and approved by the US Army Corps of Engineers), fulfill the requirement of Condition 28 of SUA-672 (see second attachment) that title to byproduct material is transferred to the United States? Specifically, does the term "appurtenances" sufficiently include byproduct material on the transferred lands? We assume it does, but an e-mail assurance from the NRC perspective would be most helpful at putting our mind at ease on this matter.

Time is of essence on this matter, so NRC feedback as soon as possible would be most appreciated.

Best Regards,

Tom