

FEB 8 1991

URFO:DLJ
Docket No. 40-8914
04008914090E

Mrs. Iona Lee
5000 San Mateo Road
San Mateo, NM 80750

Dear Mrs. Lee:

The Nuclear Regulatory Commission (NRC) is responsible for determining that the cleanup of uranium byproduct material (low level radioactive material) is accomplished in accordance with the regulations established by the Environmental Protection Agency (EPA) to protect the public health and safety. Our regulations generally require that title to all byproduct material and land which is used for disposal be transferred to the United States or the State where the land is located. The operator/licensee must demonstrate that a serious effort has been made to obtain title to such property. In certain limited cases, land ownership transfer requirements may be waived if title transfer is not possible.

As a representative of the landowner associated with the Hecla Mining Company's Johnny M Mine, you should be aware that Hecla has identified uranium mill tailings at the mine site. Hecla Mining Company is required to meet EPA's cleanup requirements on the surface. They have provided us with an acceptable cleanup scheme that will remove all radioactive materials near the surface from the property. The cleanup process will be verified by NRC prior to the termination of Hecla's byproduct material license. However, Hecla is proposing to leave all subsurface tailings that were used for backfilling the mine in place.

You have indicated to Hecla Mining Company and to Dawn L. Jacoby of my staff that the landowner is unwilling to sell the land associated with the Johnny M Mine. Before Hecla's license can be terminated, we are requesting that you confirm in writing the statements you have made concerning the landowner's unwillingness to allow Hecla to purchase the land. Also, please verify for us the correct name of the landowner and in what capacity you represent the owner.

If you have any questions or concerns regarding this matter, please contact me or Dawn L. Jacoby of my staff on (303) 236-2805.

Sincerely,

Original Sent
R. E. H.

Ramon E. Hall
Director

9102260254 910208
PDR ADOCK 04008914
C PDR

PM:URFO
DJacoby
02/7/91

TELECON
CONC.
RC:RIV
WLBrown
02/7/91

DD:URFO
EHawkins
02/7/91

D:URFO:RIV
REHall
02/7/91

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DRH

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bcc:
Docket File No. 40-8914
PDR/DCs
URFO r/f
ABBeach, RIV
LLUR Branch, LLWM
DLJacoby
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