

(102)

FEB 22 1993

Docket No. 040-08820

License No. SNM-1418

MEMORANDUM FOR: John H. Austin, Chief
Decommissioning and Regulatory
Issues Branch, LLWM/NMSS

FROM: Timothy C. Johnson, Section Leader
Materials Decommissioning Section
Decommissioning and Regulatory
Issues Branch, LLWM/NMSS

SUBJECT: AMAX LICENSE TERMINATION PROCEDURE

Upon discussion with R. Fonner, Office of the General Counsel, I have prepared a procedure for terminating the license of AMAX. The Nuclear Regulatory Commission has not developed procedures for transferring a site to the Department of Energy (DOE) under the Nuclear Waste Policy Act (NWP), Section 151(c). It is under this authority that the AMAX license will be terminated.

First of all, we will be terminating the license rather than just transferring it to DOE. This is because we have no authority to regulate DOE for the covered activities.

Upon receipt of a request to terminate the license and the appropriate closing or conveyance documents, we would prepare a letter to AMAX indicating that all conditions of the transfer under the NWP have been met and their license is being terminated. Formal approvals to satisfy the requirements under the NWP were completed by our August 9, 1991, letter to DOE covering the financial arrangements and our June 25, 1991, letter to DOE indicating that the decontamination and stabilization meet our requirements. AMAX previously requested that DOE take title and assume custody of the site in their letter of November 25, 1987.

To satisfy the NEPA considerations, we can use a categorical exclusion by preparing the appropriate justification. We will also begin preparing a Federal Register notice indicating that, upon our receipt of the appropriate closing or conveyance documents, the site will be transferred to DOE under the authority of the NWP, and the license terminated. Pursuant to Subpart L, 10 CFR 2.1205(c), we would offer an opportunity for a hearing in the Federal Register notice on this final licensing action.

If you have any questions, please contact me.

Original Signed By

Timothy C. Johnson, Section Leader
Materials Decommissioning Section
Decommissioning and Regulatory
Issues Branch, LLWM/NMSS

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Memorandum for John H. Austin dated: FEB 22 1993

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