

MK003PR

JOHNNY M

MINE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAR 30 2012

The Honorable John H. Bemis
Cabinet Secretary
New Mexico Department of Energy,
Minerals, and Natural Resources
1220 S. St. Francis Dr.
Santa Fe, NM 87505

Re: Johnny M Mine Superfund Site

Dear Secretary Bemis:

Thank you for your March 6, 2012, letter in which you express your desire to reach an agreement with the U.S. Environmental Protection Agency (EPA) on jurisdiction of the Johnny M Mine Area Superfund Site west of San Mateo, McKinley County, New Mexico. The Site consists of a former uranium mine and an adjacent property that was until recently residential property.

The EPA initiated a removal action on April 1, 2011, as a result of elevated levels of radium and radon in the soil and contamination of the resident's well above drinking water standards for radium and gross alpha. This action included the temporary relocation of a resident and a small business. The EPA has been in lengthy negotiations with Hecla Limited to reach an agreement to stabilize the Site, conduct a full site assessment, develop a response plan, and recover EPA past costs that exceed \$736,000.

A complicating factor is the presence of uranium mill waste licensed by the Nuclear Regulatory Commission to be used to backfill the mine stopes for structural integrity. The mill waste has been detected in both the mine area and the former residential area. This will necessitate the coordination of off-site disposal or long-term on-site stewardship. Given the status of continued uncontrolled releases with significant contamination at or near the surface, the EPA believes using the Superfund Program is best suited to address these factors at the Site. We will consider all applicable or relevant and appropriate requirements to the extent practicable.

My staff will continue to work closely with your staff addressing the issues at the Johnny M Mine and other abandoned uranium mines throughout the Grants Mineral Belt. If you have any questions, please contact me at (214) 665-6701 or have your staff contact Lisa Price, Grants Mineral Belt Coordinator, at (214) 665-6744.

Sincerely,

A handwritten signature in cursive script that reads "Pamela Phillips".

Pamela Phillips
Acting Division Director
Superfund Division



New Mexico Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

John H. Bemis
Cabinet Secretary

Office of the Secretary

Brett F. Woods, PhD
Deputy Cabinet Secretary

March 6, 2012

Director Samuel Coleman, P.E.
Superfund Division, Region 6
U.S. Environmental Protection Agency
1445 Ross Avenue
Dallas, TX 75202-2733

Re: Johnny M Mine

Dear Director Coleman:

I am following up on my previous phone calls to you and subsequent conversations with Jessica Hernandez of your staff about the Johnny M Mine site in the Ambrosia Lake area in New Mexico. The purpose of this letter is to attempt to reach an agreement with you and your staff with regard to jurisdiction for the reclamation of the mine.

The Johnny M Mine is similar in scope to several uranium mine reclamation projects that the Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) has effectively managed in the past, in coordination with the New Mexico Environment Department. These sites include the United Nuclear Corporation's Section 27 Mine, St. Anthony Mine, and Soho's L-Bar Mine.

I have discussed with MMD the reclamation issues associated with the Johnny M Mine to begin charting our actions going forward, both in the immediate future, and long-term. Our recent development is that the Jackson family sold its land to New Mexico Land LLC, which is owned by Hecla Limited, and therefore, we are no longer dealing with residential property. This is important, as MMD and Hecla have obtained immediate access to begin characterizing the Jackson property for reclamation.

New Mexico is obviously the most significant stakeholder in this matter, and we have a particular interest in the reclamation of any mine located in our state. In fact, we enacted legislation in 1993 to ensure authority and proper oversight of the reclamation of all mines in New Mexico, leaving no question of our jurisdiction over the Johnny M Mine. I



March 6, 2012
Page 2

believe this authority enables us to avoid potential and unnecessary interruptions, and thus, to reclaim these sites more efficiently and effectively than any other entity.

My staff is ready to begin the reclamation process of the Johnny M Mine and would like to proceed without further delay. It is my hope that you will give immediate consideration to transitioning the Johnny M Mine from EPA's program to MMD's mine reclamation program. Certainly, EPA has recognized New Mexico jurisdiction on other mines in the past, including those with equally important environmental components as the Johnny M Mine.

Please call me at your earliest convenience, so we might resolve this issue as soon as possible.

Very truly yours,

A handwritten signature in black ink that reads "John H. Bemis". The signature is written in a cursive style with a prominent "J" and "B".

John H. Bemis
Cabinet Secretary

TEMKIN WIELGA & HARDT LLP

1900 Wazee Street, Suite 303

Denver, CO 80202

Elizabeth H. Temkin
Direct: (303) 382-2900
temkin@twhlaw.com

Phone: (303) 292-4922
Fax: (303) 292-4921
www.twhlaw.com

December 12, 2011

VIA EMAIL/REGULAR MAIL

Jessica Hernandez, Esq.
Pamela Travis, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Johnny M Mine Area near San Mateo, McKinley County, New Mexico

Dear Jessica and Pam:

This letter is submitted on behalf of Hecla Limited ("Hecla"), as the successor to Ranchers Exploration and Development Corporation, in response to EPA's November 5, 2011 letter and the accompanying draft Administrative Settlement Agreement and Order on Consent ("draft Settlement Agreement") and the draft Statement of Work ("SOW") for CERCLA response actions at and related to the Johnny M Mine ("Mine"). A black-lined version of the draft Settlement Agreement, with Hecla's proposed changes, is included with this letter as Attachment 1-A. A clean version of the Settlement Agreement, reflecting Hecla's edits, is included as Attachment 1-B. Attachment 2 is a Site Assessment Plan ("SAP"), designed to define the nature and extent of any contamination problem at the mine, the neighboring Jackson property, and, as needed, the property to the west of the Jackson parcel (collectively "the Johnny M Mine area"). Hecla proposes to implement the SAP as soon as weather permits.

Assuming the parties can otherwise agree on acceptable terms, Hecla also is willing to reimburse EPA for its reasonably documented costs associated with its investigative activities to date at the Johnny M Mine area, and for the Agency's future response costs in overseeing the implementation of the activities required under the Settlement Agreement. In that regard, we would request EPA provide a certified cost package documenting EPA's claimed past costs. In addition, Hecla is willing to reimburse EPA for costs to date under the April 1, 2011 Temporary Relocation Agreement ("TRA"), as amended, with the Jacksons, and to assume direct responsibility for payment to the Jacksons of ongoing, temporary relocation costs under the terms of the TRA, so long as the TRA must remain in effect.

Jessica Hernandez, Esq.
Pamela Travis, Esq.
December 12, 2011
Page 2

Further, Hecla will agree to complete an Engineering Evaluation/Cost Analysis or a similar evaluation, consistent with EPA guidance, to support the selection of any response actions required at the Johnny M Mine area, in light of the data previously collected by EPA and the data to be collected under the Site Assessment Plan.

Hecla cannot at this time commit to the other activities suggested by EPA's draft SOW, because it is too early to prescribe "next steps" until after the site assessment work is completed. In addition, EPA's proposal for additional work is premised on certain unvalidated assumptions.

First, the extent of the problem with soils at the Johnny M Mine area has yet to be defined. EPA's ASPECT gamma survey of the Johnny M Mine area is at best a screening tool identifying the need for further study, as this survey technique can overestimate, by orders of magnitude, the extent of any problem identified by a ground-based gamma survey and subsequent soil sampling. In this case, only limited soil sampling data has been collected on the Jackson property and no ground-based gamma results or soil sampling data have been collected at the Mine to inform and groundtruth the ASPECT survey results. In addition, there are reasons to believe EPA's so-called "background samples" at the Jackson property are not representative of true background conditions. Further, no background sampling has occurred at the Mine property. Accurate and representative background concentration data is critical to defining the extent of any problem in the Johnny M Mine area and also is critical to setting any action or cleanup levels, which obviously must account for background.

It is also premature and inconsistent with the National Contingency Plan ("NCP"), 40 CFR Part 300, to eliminate on-site disposal for any contaminated material identified through the site assessment work as requiring management, without knowing the volume of material to be managed. In the same vein, it is premature to eliminate the on-site disposal option from consideration until it is known if the Jacksons will return to reside at the property or relocate. There is considerable precedent, at both the state and federal levels, for on-site disposal of uranium mining waste materials in New Mexico and elsewhere.¹ In these circumstances, both the NCP and EPA's EE/CA guidance, *see* EPA "Guidance on Conducting Non-Time Critical Removal Actions Under CERCLA" (Aug. 1993) (as further summarized by Dec. 1993 Fact Sheet), support retaining on-site disposal as a viable response action alternative for further evaluation in light of the amount of any material ultimately requiring management and disposal. Plus, as you know, the Jacksons and Hecla are in negotiations for Hecla to purchase the Jacksons' property. If those negotiations are successful, Hecla, as the property owner, can commit to an appropriate set of institutional controls to preclude residential use of the property or utilization of the groundwater for residential purposes, and support an onsite disposal option.

¹ Examples of cleanup sites where on-site disposal or stabilization of uranium mining waste materials were considered or utilized include, *inter alia*, and with reference to the lead agency at each site, the following: Skyline Uranium Mine, Utah (Navajo Nation) (EPA Region 9); Northeast Church Rock Mine, New Mexico (EPA Region 9); White King/Lucky Lass Mine, Oregon (EPA Region 10); San Mateo Mine, New Mexico (US Forest Service); Jackpile Mine, New Mexico (Bureau of Land Management/Bureau of Indian Affairs); St. Anthony Mine, New Mexico (New Mexico Mining and Minerals Division); and JJ No. 1/L-Bar Mine, New Mexico (New Mexico Mining and Minerals Division).

Jessica Hernandez, Esq.
Pamela Travis, Esq.
December 12, 2011
Page 3

There is also considerable precedent for an action and cleanup standard of at least a 5 pCi/g above background, even assuming residential use of the Jackson property.² EPA's proposed cleanup level, which proposed, effectively, a 2.5 pCi/g standard above background is unnecessarily conservative and contrary to the weight of authority on this point.³

You will note that the attached revised Settlement Agreement does not propose a dollar figure for financial assurance purposes in Paragraph 87. That number is necessarily dependent on the outcome of our discussions on the SAP and related issues and was intentionally left blank for that reason.

I should note that, while we are responding to EPA's demands, Hecla continues to believe that management of the Johnny M Mine area site investigation and any necessary cleanup are well within the jurisdiction and capabilities of the Mining and Minerals Division ("MMD") of the New Mexico Department of Energy, Minerals and Natural Resources, with the support of the New Mexico Environment Department. Hecla also believes the matter is more appropriately handled by New Mexico, at least until there is sufficient investigation to determine whether the situation is truly of federal Superfund quality or, instead, is much like several similar situations involving historic uranium mines that MMD has successfully managed over the years.

We look forward to continuing to discuss these matters with you at your earliest convenience, in light of your January deadline for concluding these negotiations. I am not available December 17th through December 23rd, but my partner, Nea Brown is available in my absence to address these matters. I think you both have Nea's contact information but just in case, Nea's phone number is (303) 382-2901 and her email address is brown@twhlaw.com.

Sincerely yours,



Elizabeth H. Temkin

EHT/gob
Enclosures

² None of the other property in the Johnny M Mine area is used for residential purposes.

³ Multiple CERCLA cleanup sites apply a cleanup level of 5 pCi/g above background levels as appropriate and consistent with appropriate risk and exposure scenarios and as further supported by regulatory requirements for uranium mill tailings remediation, *see* 40 C.F.R. 192, and EPA guidance, *see* "Establishment of Cleanup Levels for CERCLA Sites with Radioactive Contamination (Aug. 1997) . *See also* Draft Guidance for Meeting Radiation Criteria Levels and Reclamation at New Uranium Mining Operations," New Mexico Mining and Minerals Division (May 2011). Examples of CERCLA cleanup sites applying this standard include, *inter alia*: San Mateo Mine, New Mexico (United States Forest Service); Homestake Mining Company site, New Mexico (EPA Region 6); Uravan Uranium site, Colorado (EPA Region 8); and Canyon City Milling site, Colorado (EPA Region 8).

Rule 408 Settlement Communication

Jessica Hernandez, Esq.
Pamela Travis, Esq.
December 12, 2011
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cc: Paul Glader
David Sienko



New Mexico Energy, Minerals and Natural Resources Department

Susana Martinez

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March 6, 2012

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A handwritten signature in black ink that reads "John H. Bemis". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

John H. Bemis
Cabinet Secretary



LEGEND

● SITE LOCATION



US EPA REGION 6

FIGURE 1
SITE LOCATION MAP
JOHNNY M MINE AREA
MCKINLEY COUNTY,
NEW MEXICO

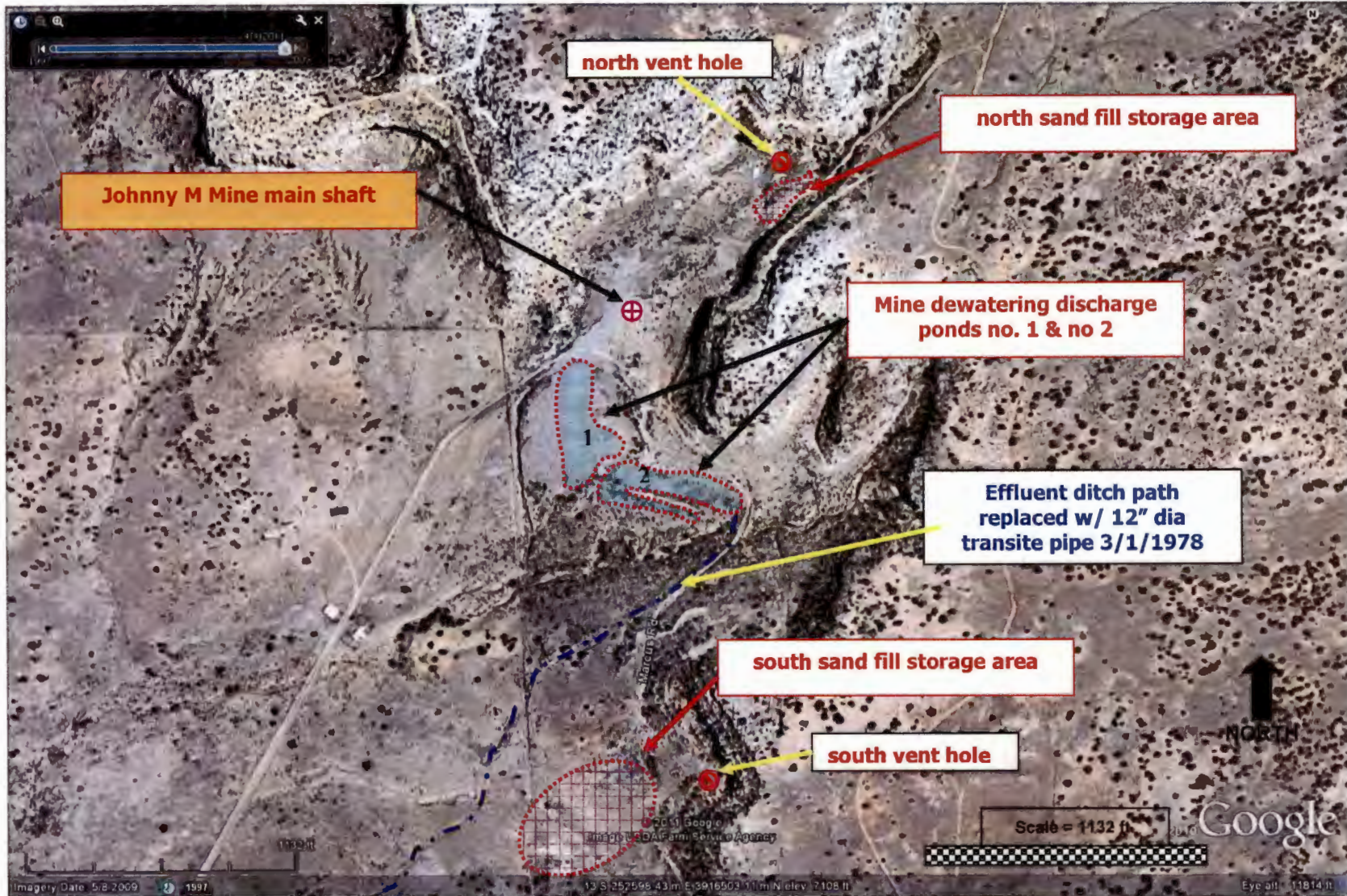
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 TDD: TO-0035-11-11-01

DATE
 DEC 2011

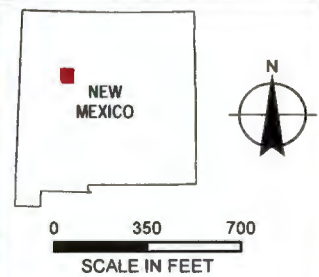
PROJECT NO
 20406.012.035.0694.01

SCALE
 AS SHOWN

HISTORICAL MINE FEATURES



Composite location map of the Johnny M Mine main features by Earle Dixon based on approximated locations using 1985 file documents and 2009 Google Earth map, T13N, R8W, Section 18 (35.361959, -107.721956), Ambrosia Lake Sub-District, Grants Mining District, NM.



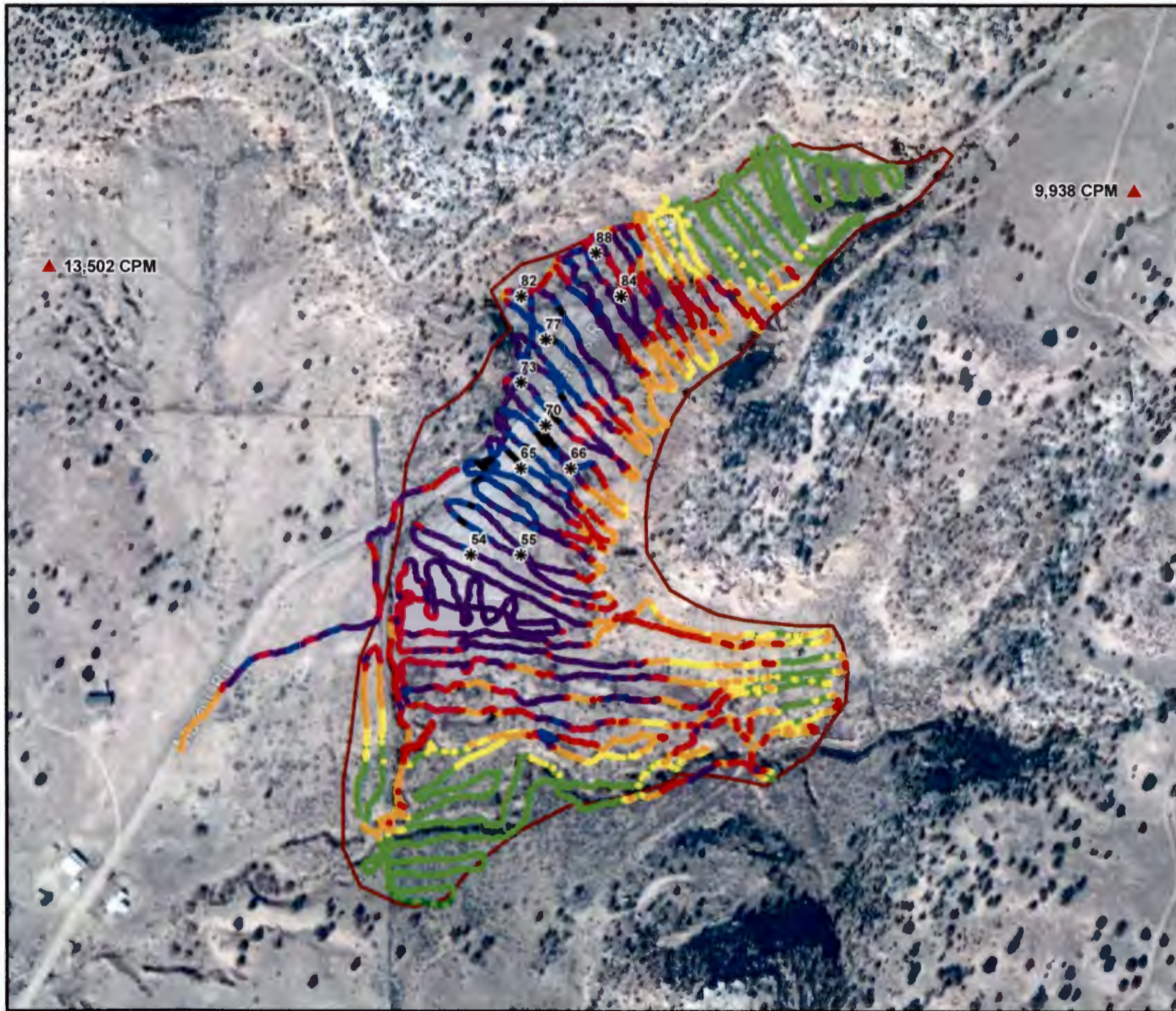
- LEGEND**
- Depth Soil Samples
- Readings Below EPA Action Level**
- 0 - 10999
 - 11000 - 12999
 - 13000 - 15130
 - 15131 - 16131
- Readings Above EPA Action Level**
- 16132 - 16999
 - 17000 - 19999
 - 20000 - 29999
 - 30000 - 39999
 - 40000 - 49999
 - 50000 - 99999
 - 100000 - 199999
 - 200000 - 399999
 - 400000 - 440663

NOTE: RESULTS IN COUNTS PER MINUTE (CPM)
 TDD NO: TO-0005-09-02-01
 CERCLIS: NMN000608847
 SOURCE: ESRI World Imagery



FIGURE 1
 PROPERTY OVERALL MAP
 SAN MATEO URANIUM ASSESSMENT
 PROPERTY - SM9000
 ASSESSMENT DATE: 11/13/2010
 SAN MATEO, CIBOLA COUNTY,
 NEW MEXICO

DATE JAN 2011	PROJECT NO 20406.012.005.0397.01	SCALE AS SHOWN
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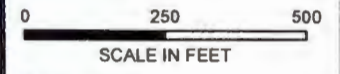


LEGEND

Gamma Scan Results (CPM)

- 0 - 11719 (<1X BKGD)
- 11720 - 23440 (1X - 2X BKGD)
- 23441 - 29999
- 30000 - 49999
- 50000 - 74999
- 75000 - 99999
- 100000 - 199999
- 200000 - 399999
- 400000 - 665629
- * Sample Locations (10)
- ▲ Background Locations (2)

- ▭ Assessment Area
- ▭ Jackson Property Boundary



TDD NO. TO-0035-11-11-01
 CERCLIS NMN0006607139



US EPA REGION 6

**GAMMA SCAN RESULTS
 INCLUDING SAMPLE LOCATIONS (10)
 JOHNNY M URANIUM MINE
 OBSERVED RELEASE SAMPLING
 27&28 JANUARY 2012
 MCKINLEY COUNTY, NEW MEXICO**

DATE JAN 2012	PROJECT NO 20406.012.035.0694.01	SCALE AS SHOWN
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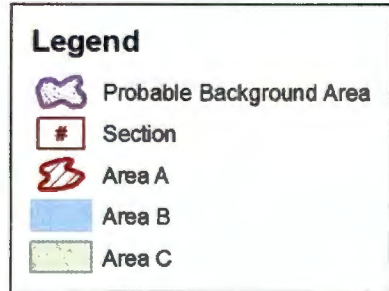
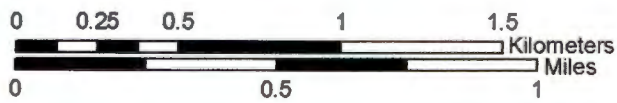


Figure 2. Lay-out of the proposed project area.

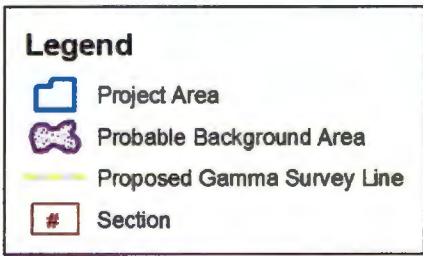
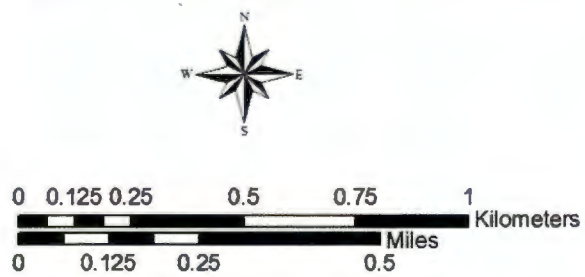
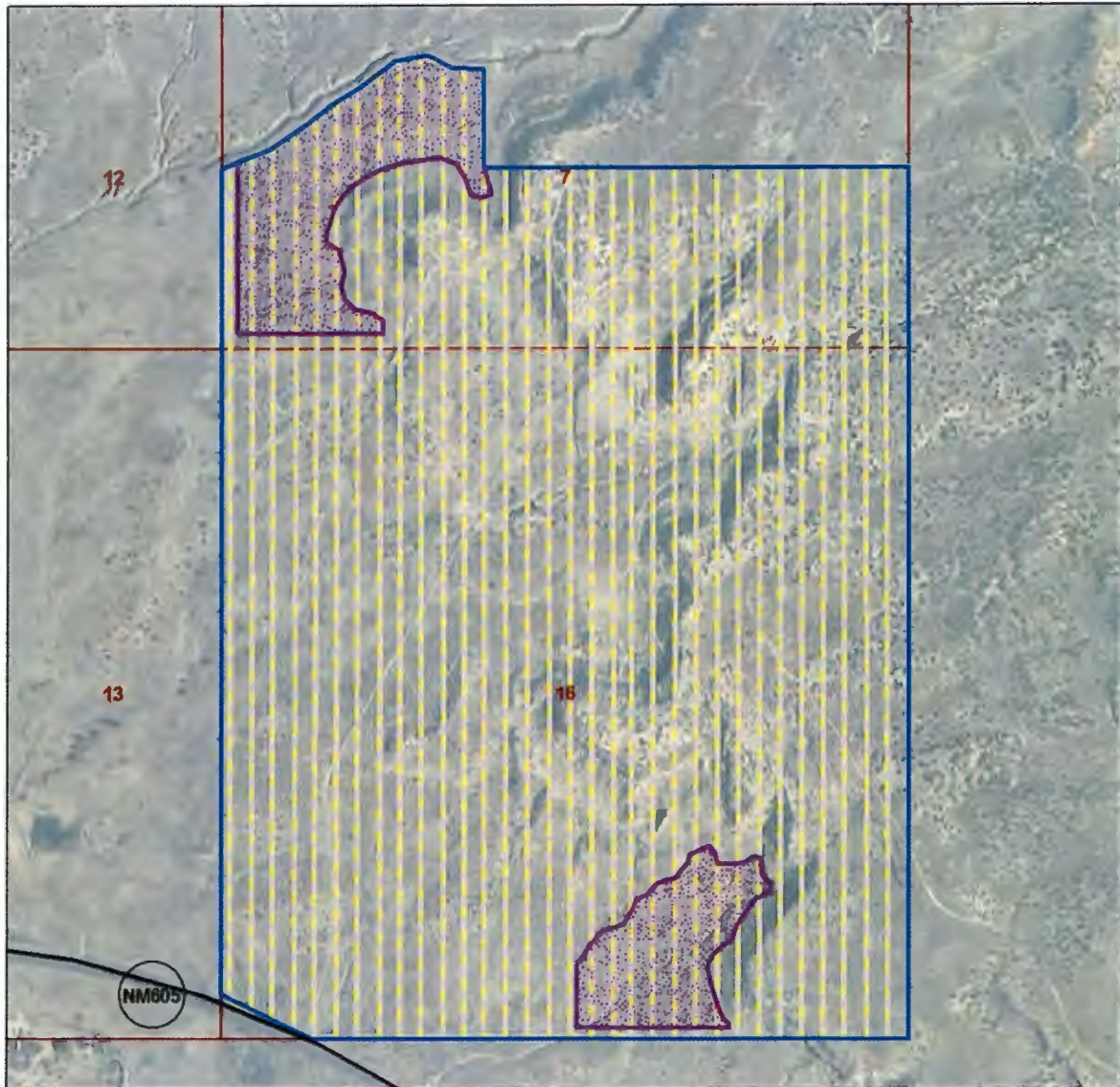
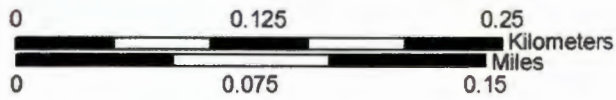
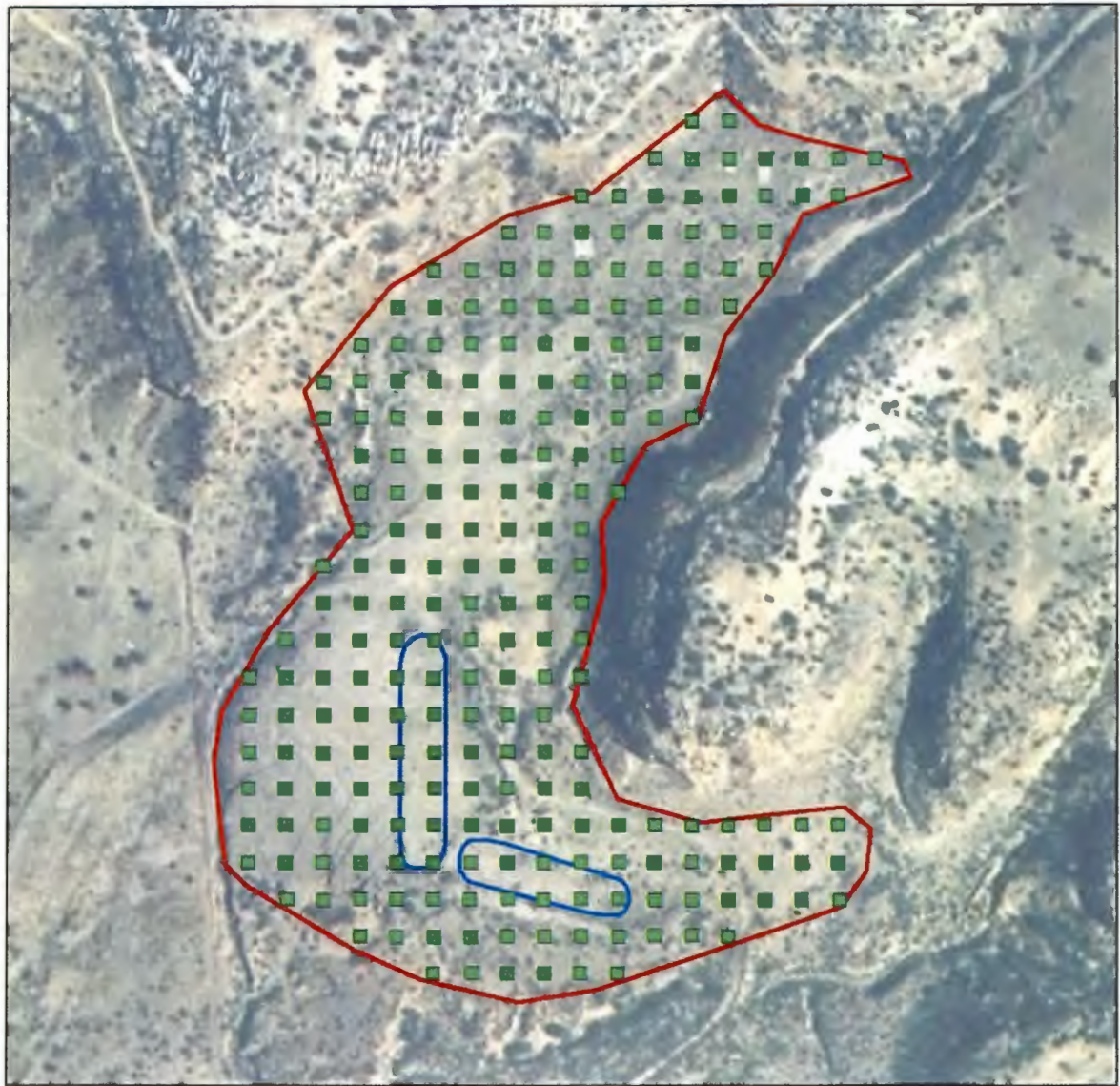


Figure 3. Proposed gamma survey area with 50 meter transects.



Legend




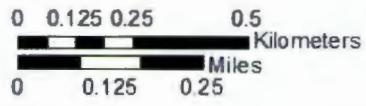
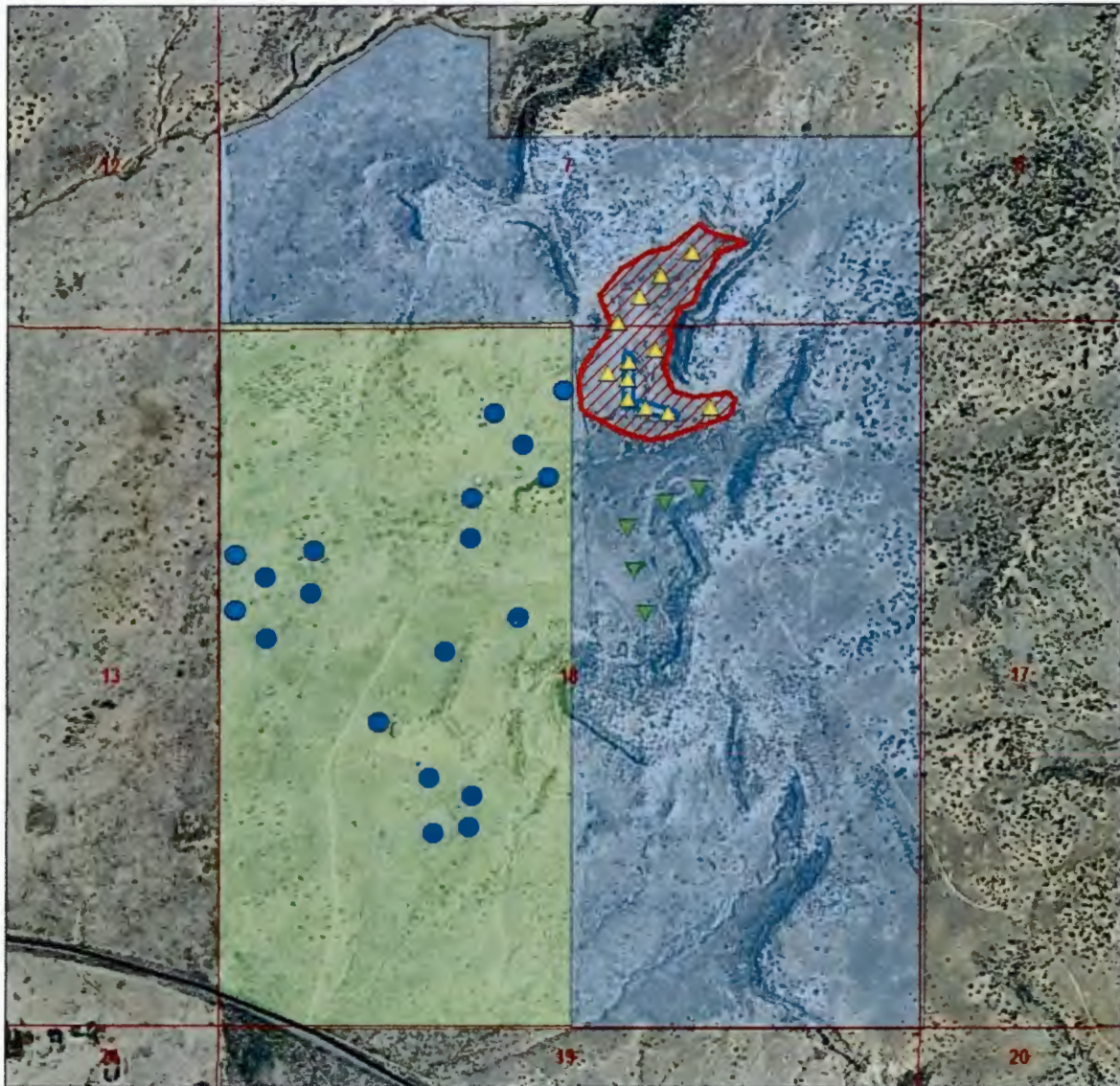
-  Area A
-  Proposed Static Gamma Survey Location
-  Historical Pond Location (Approximate)

Figure 4. Proposed static gamma survey locations (20-meter square grid nodes) in Area A.



Legend

- Proposed Soil Sample Location - Area A
- Proposed Soil Sample Location - Area B
- Proposed Soil Sample Location - Area C
- Historical Pond Location (Approximate)
- Section Boundary (#) - Section Number
- Area A
- Area B
- Area C

Figure 5. Proposed soil sample locations for the project area.

Johnny M Mine/ Rancher's Johnny M Mine Site
Ambrosia Lake District, Section 7 and E1/2 Section18, T13N, R. 8W
McKinley County, New Mexico
Source Material License SUA – 1472; Docket No. 040-8914

Summary

- Johnny M Mine located at the eastern-end of the Ambrosia Lake District, Section 7 and E1/2 Section18, T13N, R. 8W McKinley County.
 - Area is part of the San Juan Basin
 - No surface waters or wells are reportedly utilized for domestic or commercial use within 1 km radius of the site.

- Mine actively operated for over ten (10) years (1972 until early-1982) until ore reserves were exhausted.
 - Ranchers Exploration and Development Corporation, a lessee, commenced operations in 1972.
 - Operation consisted of only ore removal
 - Ore milling was not conducted at the mine nor were any ore milling facilities on-site
 - Ore was shipped off-site to the Kerr McGee (now Quivira Mining Co.) Ambrosia Lake Facility.

- Approximately 286,000 tons of tailings sands from the Kerr McGee Mill was used to backfill mine stopes at depths ranging from 1134-1148', 1162 – 1183' or 1100-1300' depending on terrain
 - Backfilling of tailings at that time was innovative process employed to prevent caving and reducing the vulnerability of possible breaks in the Dakota aquifer located above the mine.
 - Backfilling of mine stopes occurred between the Dakota Formation and Westwater Canyon Member of the Morrison Formation. The area in question totaled approximately two (2) acres.
 - Both aquifers are separated vertically by 80 vertical feet of shale
 - 8000 tons of tailings per month transported from Kerr McGee/Quivira Mine to Johnny M. Mine site.

- Backfilling operations occurred for 5 years (August 1977 to January 1982)

- New Mexico began licensing the Johnny M Mine site in 02/1978 in response to the request from Ranchers Exploration and Development Corporation to backfill mine stopes with by-product material from the Kerr McGee/Quivira Mine

- Between 1978 and 1984, fourteen (14) license amendments issued by NMEID after NM-RED-MB-00

- 1982 - 1987. Reclamation of mine property began under New Mexico's jurisdiction. This included backfilling of mine out area with tailings material and as result of this operation two (2) small surface locations were required for the storage of the backfill material.

- 1984. Ranchers Exploration and Development Corporation merged with Hecla Mining Co.

- 1986. Licensing authority for the extraction/concentration of source material and disposal of the resulting by-product material was returned to the NRC. However the State's license remained in effect until the NRC had an opportunity to evaluate the license for regulatory compliance.

- 1987. NRC met with Hecla Mining to discuss site surveys and cleanups.

- 1988. NRC issued a source material license SUA-1482 to Hecla Mining Co. for the Johnny Mine Site

- 1987 -1992. NRC approved reclamations plans, and oversaw removal activities.

- 1991. NRC deliberated terminating the Johnny M Mine source material license SUA-1482. Hecla Mining was instructed to annotate in the public record that licensable by-product material remained on-site buried at depth and that no surveillance would be required once release standards were met.
- 1993. NRC terminated Johnny M Mine Site Source Material License under Amendment No. 4.

Synopsis of Ownership for the Johnny M Mine Site

Docket No. 040-8914	Mine Operators Lessee	Property Owners/ Surface Owner	Mineral Estate Owner /Subsurface	Mineral Interest
Johnny M Mine Site Section 7, T13N, R. 8W McKinley County. & E 1/2 Section 18, T13N, R. 8W McKinley County.	<p>Ranchers Development & Exploration Co. leased mineral rights from Cerrillos Land Co.</p> <p>Mine operated circa 1972 – 1982</p> <p>Backfilling operations 1977 - 1982</p> <p>Ranchers Development & Exploration Co. issued notice of intent to vacate premises - 01/1982</p> <p>01/16/1982. NMEID concurred on general mine cleanup plan.</p> <p>05/1982 thru 09/1982. Reclamation activities were implemented and NMEID conducted several independent surveys.</p> <p>Ranchers Development & Exploration Co. issued termination report to NMEID 08/23/1983</p> <p>01/03/1984. NMEID recommended license termination after reseeding/vegetation.</p> <p>1984 Ranchers Development & Exploration Co. merged with Hecla Mining Co.</p>	<p>Fernandez Company Ltd. – holds surface rights Section 7, T13N, R. 8W McKinley County.</p> <p>&</p> <p>E 1/2 Section 18, T13N, R. 8W McKinley County.</p>	<p>Santa Fe Pacific Railroad Co. – holds mineral estate under Section 7, Township 13N, Range 8W</p> <p>&</p> <p>Federal government. – holds mineral estate under E1/2 Section 18, Township 13N, Range 8W</p>	<p>Cerrillos Land Co. leased mineral interest to mine Uranium ore in Section 7, T13N, R. 8W.</p> <p>Cerrillos Land Co letter 09/13/1991 to NRC. As owner of all mineral rights at Johnny M Mine Site, they were unwilling to sell or sever the mineral rights to Hecla</p>
	<p>Hecla Mining Company leased mineral rights at Johnny M Mine (date?)</p> <p>05/1996. NMEID notified Hecla that NRC will assume licensing authority.</p> <p>06/01/1986. NRC assume jurisdiction over the Johnny M Mine site.</p> <p>10/1987. Hecla submit to NRC-URFO a Work Plan for Site Survey & Cleanup – Oct. 17, 1987</p> <p>09/1988. Hecla submit <i>Reclamation Plan</i> – Sept. 26, 1988 to NRC-URFO</p> <p>May 4, 1990. Hecla requested an NRC License Amendment and review of the <i>Reclamation Plan, Revision No. 1</i>, February 15, 1990.</p> <p>10/1990. NRC –URFO approved Hecla's revised reclamation plan.</p> <p>05/1993 NRC letter to Hecla terminated Johnny M Mine Source Material License SUA-1482 –Amendment No. 4.</p>	<p>Deed Annotated by Hecla Mining</p> <p>03/1991. Letter from Fernandez Co. Ltd to NRC. Johnny M Mine site is not for sale</p> <p>03/1991. Hecla letter to NRC. Federal gov. holds mineral estate under E1/2 Section 18, Township 13N, Range 8W.</p> <p>Santa Fe Pacific holds mineral estate under Section 7, Township 13N, Range 8W</p> <p>05/1991 Cerrillos Land Co. notified NRC-URFO that in Section 7, T13N, R. 8W. Company does not wish to transfer mineral rights to the Fed</p> <p>09/1991. Hecla revised annotation to public record for the legal property boundary Section 7, T13N, R. 8W & E 1/2 Section 18, T13N, R. 8W McKinley. "...byproduct material through mine backfilling was buried deep. NRC will require no ongoing surveillance. By product is licensed under 10 CR Part 40 by NRC.."</p>		



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
URANIUM RECOVERY FIELD OFFICE
BOX 25325
DENVER, COLORADO 80225

MAY 24 1993

Docket No. 40-8914
SUA-1482, Amendment No. 4
04008914090E
X60611

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:

We are in receipt of your letter dated October 18, 1990, requesting termination of your Source Material License SUA-1482 for the Johnny M Mine, McKinley County, New Mexico. Based upon NRC's assessment of your Environmental Report and verification that surface reclamation efforts had been successful, it was determined that the proper action was to issue a finding of no significant impact in the Federal Register. A final finding of no significant impact was published in the Federal Register (58 FR 29641) on May 21, 1993.

Therefore, pursuant to 10 CFR Part 40, Source Material License SUA-1482 is terminated by deleting License Condition Nos. 6 through 11 and modifying License Condition No. 4 to read as follows:

4. Terminated

The license is being reissued to reflect this change. This licensing action was discussed between you and Dawn L. Jacoby on May 24, 1993. If you have any questions or comments regarding this action, please notify her at (303) 231-5815.

Sincerely,

A handwritten signature in black ink, appearing to read "Ramon E. Hall".

Ramon E. Hall
Director

Enclosure:
Source Material License SUA-1482

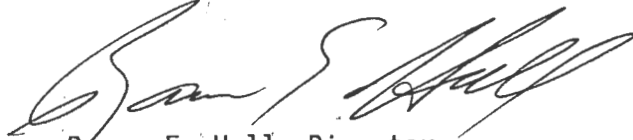
cc:
B. Garcia, RCPD, NM
E. Montoya, NMED

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 40 and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee		3. License number
1. Hecla Mining Company		SUA-1482, Amendment No. 4
2. 6500 Mineral Drive P.O. Box C-8000 Coeur d'Alene, Idaho 83814-1931		4. Expiration date Terminated
		5. Docket or Reference No. 40-8914
6. Byproduct, source, and/or special nuclear material	7. Chemical and/or physical form	8. Maximum amount that licensee may possess at any one time under this license

FOR THE NUCLEAR REGULATORY COMMISSION



Ramon E. Hall, Director
Uranium Recovery Field Office

21, 1993. Copies of these petitions are available for inspection at that address.

Dated: May 14, 1993.

Patricia W. Silvey,
Director, Office of Standards, Regulations and
Variances.

[FR Doc. 93-12131 Filed 5-20-93; 8:45 am]

BILLING CODE 4510-43-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Performance Review Board

AGENCY: National Endowment for the
Humanities, NFAH.

ACTION: Notice.

SUMMARY: This notice announces a
revision in the membership of the SES
Executive Resources and Performance
Review Board.

Effective May 14, 1993, Michael S.
Shapiro, General Counsel, Office of the
General Counsel/Congressional Liaison,
has been designated to replace Anne D.
Neal, General Counsel, Office of General
Counsel/Congressional Liaison, as a
Member of the SES Performance Review
Board. Mr. Shapiro will serve the
unexpired portion of Anne D. Neal's
term through December 31, 1993.

FOR FURTHER INFORMATION CONTACT:

Timothy G. Connelly, Director of
Personnel, National Endowment for the
Humanities, 1100 Pennsylvania Avenue
NW., Washington, D.C. 20506.

Donald Gibson,
Acting Chairperson.

[FR Doc. 93-12129 Filed 5-20-93; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Research, Evaluation, and Dissemination; Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463, as amended), the National Science
Foundation announces the following
meeting.

Date and Time: June 7-8, 1993; 8:30 a.m.
to 5 p.m.

Place: The River Inn, 924 Twenty Fifth
Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Ms. Barbara Lovitts,
Division of Research, Evaluation and
Dissemination, rm. 1227, National Science
Foundation, 1800 G Street, NW., Washington,
DC 20550, Telephone (202) 357-7071.

Purpose of Meeting: To provide advice and
recommendations concerning proposals
submitted to NSF for financial support.

Agenda: To review and evaluate research
proposals submitted to the Research in

Teaching and Learning Program as part of the
selection process for awards.

Reason for Closing: The proposals being
reviewed include information of a
proprietary or confidential nature, including
technical information; financial data, such as
salaries; and personal information
concerning individuals associated with the
proposals. These matters are exempt under 5
U.S.C. 552b(c), (4) and (6) of the Government
in the Sunshine Act.

Dated: May 18, 1993.

M. Rebecca Winkler,
Committee Management Officer.

[FR Doc. 93-12132 Filed 5-20-93; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8914]

Hecla Mining Co.; Final Finding of No Significant Impact Regarding the Termination of a Source Material License for Hecla Mining Company, Johnny M Mine Site, McKinley County, New Mexico

AGENCY: U.S. Nuclear Regulatory
Commission.

ACTION: Notice of final finding of no
significant impact.

1. Proposed Action

The proposed administrative action is
to terminate the source material license
authorizing Hecla Mining Company
(Hecla) to possess byproduct material at
the Johnny M Mine, McKinley County,
New Mexico.

2. Reasons for the Final Finding of No Significant Impact

The Johnny M Mine located near San
Mateo, New Mexico, was operated by
Ranchers Exploration and Development
(predecessor to Hecla Mining Company)
from early 1972 to late 1982. The
mining operation included backfilling of
mined-out areas with mill tailings. The
tailings were returned to the site from
the mill which processed the ore. An
estimated 286,000 tons of tailings were
injected into the mine. Disposal depths
ranged from 1134 feet to 1148 feet and
from 1162 feet to 1183 feet below the
surface (using the shaft for datum) or
about 1100 to 1300 feet underground,
depending on the terrain.

Reclamation of the mine property
began in early 1982. The mine shaft was
sealed with a 4-foot thick water ring
reinforced concrete plug set between the
Dakota formation and the Westwater
Canyon member of the Morrison
formation. The portal was sealed with a
12-inch thick reinforced concrete plug,

and a 20-inch diameter capped steel
pipe was set in the concrete.

The radiological reclamation plan for
the site consisted of removing the
remaining surface contamination until
appropriate standards were met. The
underground tailings were to be left
undisturbed. The contaminated material
was transported to and disposed of at
the Quivira Mining Company's Pond 2
disposal area.

The NRC staff evaluated an
Environmental Report, submitted by the
licensee on February 26, 1993,
addressing the effect of the proposed
action on the environment.

In accordance with Title 10, Code of
Federal Regulations, Part 51, Section
51.21, NRC prepared an environmental
assessment addressing the proposed
termination of the license. As a result of
that assessment, the NRC has
determined that an environmental
impact statement is not required for this
proposed licensing action. The
following statements support the
Finding of No Significant Impact and
summarize the environmental
assessment:

A. In accordance with 10 CFR
51.60(b)(3), the licensee submitted an
Environmental Report documenting the
potential environmental effects of the
proposed change.

B. The closure of site meets all the
criteria of 10 CFR Part 40, appendix A.
It was determined that the ground water
has not been significantly affected by
the tailings. Surface reclamation has
been verified by soil sampling. The deed
to the land has been annotated to
indicate that the tailings are present and
that they are subject to an NRC general
license under Title 10, Part 40, Code of
Federal Regulations, prohibiting the
disruption and disturbance of the
tailings.

C. The site has been reclaimed to the
requirements of 10 CFR Part 40,
Paragraph 40.42, and is suitable for
release for unrestricted use.

D. There is no need for long-term
surveillance of the site due to the
location of the tailings in the mine.

In accordance with 10 CFR 51.34(a),
the Director, Uranium Recovery Field
Office (URFO), made the determination
to issue a final finding of no significant
impact in the Federal Register. Source
Material License SUA-1482 for the
Johnny M Mine will be terminated upon
publication in the Federal Register.

The environmental evaluations setting
forth the basis for the finding are
available for public inspection and
copying at the Commission's Uranium
Recovery Field Office at 730 Simms
Street, Golden, Colorado, and at the

Commission's Public Document Room at 2120 L Street, NW., Washington, DC.

Dated at Denver, Colorado, this 13th day of May 1993.

For the Nuclear Regulatory Commission.

Ramon E. Hall,

Director, Uranium Recovery Field Office.

[FR Doc. 93-12090 Filed 5-20-93; 8:45 am]

BILLING CODE 7590-01-M

Northeast Nuclear Energy Co.; Environmental Assessment and Finding of No Significant Impact

[Docket No. 50-245]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to an exemption from the requirements of 10 CFR Part 50, Appendix J, Paragraph III.C.1 issued to the Northeast Nuclear Energy Company (NNECO or the licensee) for Millstone Nuclear Power Station, Unit 1, located in New London County, Connecticut.

Environmental Assessment

Identification of the Proposed Action

The proposed action would correct an administrative error. The exemption, which was issued on June 5, 1991, granted exemptions for Penetrations X-25, X-26, X-202E and X-205 from the local leak test (Type C) requirements of 10 CFR part 50, appendix J, section III.C.1. The NRC staff concluded that the proposed alternative test procedures are the most conservative with the existing configuration and will test both valve seals to provide indication of the leak tightness of the containment boundaries. In a letter dated April 15, 1993, NNECO stated that one of the penetrations was not correctly identified, penetration X-202E should have been X-202D, and requested that the exemption be corrected.

The Need for the Proposed Action

The proposed exemption amendment is needed to correctly identify the subject penetration.

Environmental Impacts of the Proposed Action

The proposed exemption amendment corrects a misidentified penetration and, therefore, does not have any environmental impact. In the June 5, 1991, exemption, Penetration X-202E should have been X-202D. Penetration X-202E is for a vacuum breaker (torus drywell) and does not require 10 CFR part 50, appendix J testing.

Thus, radiological releases will not differ from those determined previously and the proposed exemption -

amendment does not otherwise affect facility radiological effluents or occupational exposures. With regard to potential nonradiological impacts, the proposed exemption amendment does not affect plant nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption amendment.

Alternative to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption amendment, any alternative to this amendment will have either no significant different environmental impact or greater environmental impact. The principal alternative would be to deny the exemption amendment requested. Such action would not enhance the protection of the environment and would result in the misidentification of the penetration.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for Millstone Nuclear Power Station, Unit 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based on the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption amendment.

For further details with respect to this proposed action, see the licensee's letter dated April 15, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 13th day of May 1993.

For the Nuclear Regulatory Commission.

John F. Stolz, Director,

Project Directorate I-4, Division of Reactor Projects—III, Office of Nuclear Reactor Regulation.

[FR Doc. 93-12092 Filed 5-20-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-269, 50-270, and 50-287; License Nos. DRP-38, DPR-47, and DPR-55; EA 92-211]

Duke Power Co., Oconee Nuclear Station; Order Imposing Civil Monetary Penalty

I

Duke Power Company (Licensee) is the holder of License Nos. DPR-38, DPR-47, and DPR-55 issued by the Nuclear Regulatory Commission (NRC or Commission) on February 6, 1973, October 6, 1973, and July 19, 1974, respectively. The licenses authorize the Licensee to operate the Oconee Nuclear Station in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted on September 26–November 3, 1992. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated December 28, 1992. The Notice stated the nature of the violation, the provision of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation. The Licensee responded to the Notice by letter dated February 25, 1993. In its response, the Licensee requested that the civil penalty be mitigated because the violation was not safety significant and by itself does not warrant significant regulatory concern and that the particular example cited does not adequately consider all of the related information that accompanied the discovery and identification of the degraded Low Pressure Service Water System flow condition.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violation occurred as stated and that the penalty proposed for the violation



UNITED STATES

NUCLEAR REGULATORY COMMISSION

REGION IV

URANIUM RECOVERY FIELD OFFICE
BOX 25325
DENVER, COLORADO 80225

MAY 24 1993

Docket No. 40-8914
SUA-1482, Amendment No. 4
04008914090E
X60611

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:

We are in receipt of your letter dated October 18, 1990, requesting termination of your Source Material License SUA-1482 for the Johnny M Mine, McKinley County, New Mexico. Based upon NRC's assessment of your Environmental Report and verification that surface reclamation efforts had been successful, it was determined that the proper action was to issue a finding of no significant impact in the Federal Register. A final finding of no significant impact was published in the Federal Register (58 FR 29641) on May 21, 1993.

Therefore, pursuant to 10 CFR Part 40, Source Material License SUA-1482 is terminated by deleting License Condition Nos. 6 through 11 and modifying License Condition No. 4 to read as follows:

4. Terminated

The license is being reissued to reflect this change. This licensing action was discussed between you and Dawn L. Jacoby on May 24, 1993. If you have any questions or comments regarding this action, please notify her at (303) 231-5815.

Sincerely,

A handwritten signature in black ink, appearing to read "Ramon E. Hall".

Ramon E. Hall
Director

Enclosure:
Source Material License SUA-1482

cc:
B. Garcia, RCPD, NM
E. Montoya, NMED

MATERIALS LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 (Public Law 93-438), and Title 10, Code of Federal Regulations, Chapter I, Parts 30, 31, 32, 33, 34, 35, 40 and 70, and in reliance on statements and representations heretofore made by the licensee, a license is hereby issued authorizing the licensee to receive, acquire, possess, and transfer byproduct, source, and special nuclear material designated below; to use such material for the purpose(s) and at the place(s) designated below; to deliver or transfer such material to persons authorized to receive it in accordance with the regulations of the applicable Part(s). This license shall be deemed to contain the conditions specified in Section 183 of the Atomic Energy Act of 1954, as amended, and is subject to all applicable rules, regulations and orders of the Nuclear Regulatory Commission now or hereafter in effect and to any conditions specified below.

Licensee

1. **Hecla Mining Company**

2. **6500 Mineral Drive
P.O. Box C-8000
Coeur d'Alene, Idaho 83814-1931**

3. License number
SUA-1482, Amendment No. 4
4. Expiration date
Terminated
5. Docket or Reference No.
40-8914

6. Byproduct, source, and/or special nuclear material
7. Chemical and/or physical form
8. Maximum amount that licensee may possess at any one time under this license



FOR THE NUCLEAR REGULATORY COMMISSION

Ramon E. Hill, Director
Uranium Recovery Field Office

Commission's Public Document Room at 2120 L Street, NW., Washington, DC.

Dated at Denver, Colorado, this 13th day of May 1993.

For the Nuclear Regulatory Commission.

Ramon E. Hall,

Director, Uranium Recovery Field Office.

[FR Doc. 93-12090 Filed 5-20-93; 8:45 am]

BILLING CODE 7590-01-M

**Northeast Nuclear Energy Co.;
Environmental Assessment and
Finding of No Significant Impact**

[Docket No. 50-245]

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The Need for the Proposed Action

The proposed exemption amendment is needed to correctly identify the subject penetration.

Environmental Impacts of the Proposed Action

The proposed exemption amendment corrects a misidentified penetration and, therefore, does not have any environmental impact. In the June 5, 1991, exemption, Penetration X-202E should have been X-202D. Penetration X-202E is for a vacuum breaker (torus to drywell) and does not require 10 CFR part 50, appendix J testing.

Thus, radiological releases will not differ from those determined previously and the proposed exemption -

amendment does not otherwise affect facility radiological effluents or occupational exposures. With regard to potential nonradiological impacts, the proposed exemption amendment does not affect plant nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption amendment.

Alternative to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption amendment, any alternative to this amendment will have either no significant different environmental impact or greater environmental impact. The principal alternative would be to deny the exemption amendment requested. Such action would not enhance the protection of the environment and would result in the misidentification of the penetration.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for Millstone Nuclear Power Station, Unit 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based on the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption amendment.

For further details with respect to this proposed action, see the licensee's letter dated April 15, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 13th day of May 1993.

For the Nuclear Regulatory Commission.

John F. Stolz, Director,

Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 93-12092 Filed 5-20-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-269, 50-270, and 50-287; License Nos. DRP-38, DPR-47, and DPR-55; EA 92-211]

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II

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III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violation occurred as stated and that the penalty proposed for the violation

State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
Santa Fe, New Mexico 87505

MIR



BRUCE KING
GOVERNOR

December 14, 1994

ANITA LOCKWOOD
CABINET SECRETARY

Mr. Tim Leftwich
Santa Fe Pacific Gold Corp.
P. O. Box 218
Albuquerque, New Mexico 87110

RE: Evaluation Guidelines for Prior Reclamation Sites.

Dear Mr. Leftwich:

The Mining and Minerals Division (MMD) will be conducting inspections for the purposes of prior reclamation for the site(s) you have requested release. Based on Section 69-36-5 E. of the New Mexico Mining Act, the MMD has developed inventory of items to determine whether the completed reclamation satisfies the requirements of the New Mexico Mining Act and the substantive requirements for reclamation pursuant to the applicable regulatory standards.

This checklist is included for your use to determine if your site meets all of the ten criteria. Based on site-specific information, the MMD will be using this checklist to establish criterion based decisions to release the site from further responsibilities under the Act or not.

MMD will begin inspection of prior reclamation sites in early 1995 and will make a determination by September 30, 1995. If you have any questions regarding the checklist or questions regarding the inspection of your reclamation sites, please contact me or Joe DeAgüero at 505\827-5970.

Sincerely,

Holland Shepherd
Bureau Chief
Mine Act Reclamation Bureau
Mining and Minerals Division

VILLAGRA BUILDING - 408 Galisteo

Forestry and Resources Conservation Division
P.O. Box 1948 87504-1948
827-5830

Park and Recreation Division
P.O. Box 1147 87504-1147
827-7465

2040 South Pacheco

Office of the Secretary
827-5950

Administrative Services
827-5925

Energy Conservation & Management
827-5900

Mining and Minerals
827-5970

LAND OFFICE BUILDING - 310 Old Santa Fe Trail

Oil Conservation Division
P.O. Box 2088 87504-2088
827-5800

**PRIOR RECLAMATION GUIDELINES FOR RELEASE FROM
REQUIREMENTS OF THE NEW MEXICO MINING ACT.**

THE PURPOSE OF THIS CHECKLIST IS TO EQUITABLY CONDUCT EACH INSPECTION OF RECLAIMED AREAS TO DETERMINE WHETHER THE COMPLETED RECLAMATION SATISFIES THE REQUIREMENTS OF THE NEW MEXICO MINING ACT AND THE SUBSTANTIVE REQUIREMENTS FOR RECLAMATION PURSUANT TO THE APPLICABLE REGULATORY STANDARDS. IF THE DIRECTOR DETERMINES THAT THOSE REQUIREMENTS ARE MET, THE OPERATOR OR OWNER SHALL BE RELEASED FROM FURTHER REQUIREMENTS UNDER THE NEW MEXICO MINING ACT.

YES

NO

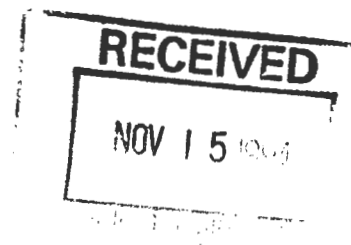
- | | | | |
|-------|-------|-----|---|
| _____ | _____ | 1) | Have all disturbed or affected areas of the mining operation been mitigated? |
| _____ | _____ | 2) | Has there been topdressing or topsoil replacement? If yes, approximate depth:_____. |
| _____ | _____ | 3) | Is the material on the ground surface suitable for the re-establishment of vegetation and the post mining land use? |
| _____ | _____ | 4) | Is the reclaimed surface devoid of waste, ore or other mining debris (e.g. equipment & structures) that would hinder revegetation. |
| _____ | _____ | 5) | Has the mitigated area been stabilized to effectively control erosion which would either disrupt the post-mining land use or the re-establishment of vegetation? |
| _____ | _____ | 6) | Do the reclaimed areas, to the extent practicable, provide stabilization that will minimize future impacts to the environment and protect air and water resources |
| _____ | _____ | 7) | Are the reconstructed slopes at lengths and gradients sufficient to allow vegetation establishment without excess erosion? |
| _____ | _____ | 8) | Do reconstructed drainages discharge onto undisturbed areas in a manner that will not cause accelerated erosion? |
| _____ | _____ | 9) | If rip-rap has been placed on reconstructed drainages, has it been placed correctly and is it of durable material and of suitable size? |
| _____ | _____ | 10) | Has the disturbed area been reclaimed to a condition that will allow a self-sustaining ecosystem to establish as defined in Rule 1. |



BOX 27019 ALBUQUERQUE, NEW MEXICO 87125
6200 UPTOWN BLVD. NE SUITE 400
ALBUQUERQUE, NM 87110
TEL 505-880-5300 FAX 505-880-5435

November 8, 1994

Mr. Holland Shephard
Chief, Mining Act Reclamation Bureau
2040 Pacheco Drive
Santa Fe, New Mexico 87505



Re: Request for additional information concerning prior reclamation

Dear Mr. Shephard:

I have received your September 19, 1994 letter requesting additional information on the sites potentially eligible for prior reclamation which we brought to your attention in our letter of August 31, 1994. With this letter we attempt to provide some of the information requested as to some of the sites. As in your August 31, 1994 letter, however, Santa Fe Pacific Gold Corporation ("SFPGC") again preserves all of its positions relating to the Act. Also, by providing certain information that is readily available to us and within the scope of your requests, SFPGC would like to preserve the position that the information requested is not "required" by any statutory or regulatory provision.

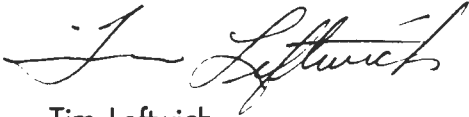
As you know, although Santa Fe holds interests in the properties it voluntarily identified in the August 31 letter, it did not own, conduct, or otherwise control any of the operations which were undertaken by third party mining companies pursuant to certain leases. As a result, SFPGC typically is not in a position to describe such things as all waste units, impoundments, stockpiles, leach piles, open pits or adits which may previously have been located at the sites. Similarly, SFPGC did not in many instances conduct the reclamation work, and so is not able to precisely describe such things as seed mixes, reclamation design, etc. Although SFPGC has voluntarily undertaken its own reclamation program at certain sites, (even prior to passage of the New Mexico Mining Act) it has done so voluntarily in the sense that it was motivated by its own corporate philosophy toward the environment rather than pursuant to any statutory, regulatory or other legal obligation.

Enclosed is the additional information we can provide, including what our latest records show as the names and addresses of the operators which should be able to provide the bulk of your desired data. We have also provided names and addresses of surface owners, since they are in the best--if not the only--position to know about post-mining land uses.

November 8, 1994
Page 2

I hope this helps the Mining Act Reclamation Bureau. Please give me a call if you or your staff would like to discuss this further.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tim Leftwich".

Tim Leftwich
Vice President -
Environmental Quality

TL:pt

Enclosure

State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
Santa Fe, New Mexico 87505



BRUCE KING
GOVERNOR

November 3, 1994



ANITA LOCKWOOD
CABINET SECRETARY

Mr. Tim Leftwich
Santa Fe Pacific Gold Corp.
Post Office Box 27019
Albuquerque, NM 87125

Re: Santa Fe Pacific Gold Corporation's Prior Reclamation
Status, Faith Mine et al, McKinley Mine

Dear Mr. Leftwich:

Thank you for your letter dated August 31, 1994, requesting approval for the prior reclamation of Section's 1, 13, 17, 31, 19, 25 and Faith, Isabella, Johnny M, Marquez, SW 1/4 Sec. 13, and Poison Canyon Mine Areas.

Section 5.10 of the New Mexico Mining Commission Rule 94-1, requires that we conduct an inspection of your mine to determine if the prior reclamation "satisfy the requirements of the Act and the substantive requirements for reclamation pursuant to ..." the rules. In this case the Director of the Mining and Minerals Division will make a determination on the adequacy of your reclamation by September 30, 1995.

Your letter and a subsequent letter did include checks totalling \$3,000.00, since the Mining and Minerals Division has interpreted the rules to require \$250.00 for each mine site. The maps submitted identified the general areas where the mines were located. However, the following information is required before the application for prior reclamation status can be considered complete:

1. a map of 1:24000 or larger scale (1:12000) showing the limits of the reclaimed area and the location, and a description, of any waste units, impoundments, stockpiles, leach piles, open pits or adits that are within this area;
2. a discussion of post-mining land use for the site reclaimed;

VILLAGRA BUILDING - 408 Galisteo

Forestry and Resources Conservation Division
P.O. Box 1948 87504-1948
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2040 South Pacheco

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827-5950

Administrative Services
827-5925

Energy Conservation & Management
827-5900

Mining and Minerals
827-5970

LAND OFFICE BUILDING - 310 Old Santa Fe Trail

Oil Conservation Division
P.O. Box 2088 87504-2088
827-5800

Mr. Tim Leftwich
November 3, 1994
Page -2-

3. a detailed description of the reclamation work performed, including types of reclamation conducted, amount of acres revegetated, the seed mix used, the current condition of the revegetation, etc., and how the reclamation project has been designed to achieve a self-sustaining ecosystem; and,
4. if part of the reclamation, a discussion of how the current reclamation of waste units, impoundments, stockpiles, tailings piles open pits or adits, have been designed to ensure compliance with all applicable federal and state standards for air, surface and ground water protection and to eliminate any future hazards to health and public safety.

Please call me at (505)827-5970 if you have any questions concerning the new regulations, the permit process or any other related issues.

Sincerely,



HOLLAND SHEPHERD, Bureau Chief
Mining Act Reclamation Bureau
Mining and Minerals Division

HS/AJ/fg



Gallup Title Company

CHARLES F. HEADEN
PHILIP G. GARCIA

ABSTRACTS - ESCROWS - TITLE INSURANCE

October 13, 1994

Mr. G.R. Wagner
Santa Fe Pacific Gold Corp.
6200 Uptown Blvd., NE, Suite 400
Albuquerque, NM 87110

VIA FAX: (505) 880-5435

Dear George:

Pursuant to your request of October 7, 1994 following are land ownerships and addresses of owners that you asked that I check on for you, to wit:

T.13N., R.8W, Section 7: Fernandez Company
5000 San Mateo

San Mateo, NM 87050

T.13N., R.9W, Sections 1,7,17,21,23,29,and 31:

Isabel O. Marquez and
Solomon Marques, trustees
of the Isabel O. Marquez
Trust

P.O. Box 3526

Milan, NM 87021

Section 19:

Isabel O. Marquez
(above address)

T.13N., R.10W, Section 19:

Donna Jean McKinnon &

Frances Laree Fathree

C/O Volton Tietjen

P.O. Box 125

Continental Divide, NM 87312

Section 25:

Berryhill Ranch, Ltd.

7000 W. 66 Ave.

Bluewater, NM 87005

T.13N., R.11W., Section 12(SW1/4):

Elkins Real Estate

P.O. Box 50

Prewitt, NM 84045

Continued...

Continued.....

T.14N., R.10W, Sections 13 & 15:

Jerry & Luann Elkins
1010 W. 66 Ave.
Gallup, NM 87301

Sections 23 & 25:

Homestake Mining Co.
P.O. Box 98
Grants, NM 87020-0011

If you need anything further, please advise.

Very truly yours

Philip A. Garcia
Philip Garcia
ar

Sec. 13, T 14N, R 6W (Socorro Co, NM)

*B. L. Henderson
P. O. Box 286
Magdalena, N. M. 87825*



BOX 27019 ALBUQUERQUE NEW MEXICO 87125
6200 UPTOWN BLVD NE SUITE 400
ALBUQUERQUE, NM 87110
TEL 505-880-5300 FAX 505-880-5435

A Santa Fe Pacific Company

September 19, 1994

Mr. John Lingo, Acting Director
Mining and Minerals Division
New Mexico Energy, Minerals and
Natural Resources Department
2040 South Pacheco
Santa Fe, New Mexico 87505

Dear Sir:

Enclosed is Santa Fe Pacific's check in the amount of \$3,000 which should have been enclosed with our letter of August 31, 1994 regarding our request for approval of prior reclamation in connection with the 1993 New Mexico Mining Act.

If you have any questions or need additional information, please contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "G. R. Wagner".

G. R. Wagner
Manager - Lease Records

GRW:bls
Enclosure

cc: T. J. Leftwich

INVOICE DATE	INVOICE NUMBER	INVOICE AMOUNT	VOUCHER NUMBER	PAYMENT AMOUNT
09/07/94	4721190907	3,000.00	09-05717	
<i>This check covers prior reclamation fees for the attached 12 mine sites. ARJ</i>				
TOTALS →				3,000.00

SANTA FE PACIFIC GOLD CORP.

VEN#:59566

DATE:09/16/94

MICR#:09191790

SYS#:09037820

SANTA FE PACIFIC GOLD CORP.

Box 27019
Albuquerque, New Mexico 87125-7019
(505) 880-5300

A SANTA FE PACIFIC COMPANY



THE NORTHERN TRUST COMPANY 2-15
CHICAGO, ILLINOIS 710

No. 191790

09/16/94

*****3,000.00

PAY ***** THREE THOUSAND AND 00/100 DOLLARS *****

TO THE
ORDER
OF

NM ENERGY, MIN. & NAT. RES. DE
MINING & MINERALS DIV.
2040 PACHECO STREET
SANTA FE , NM 87505

[Signature]



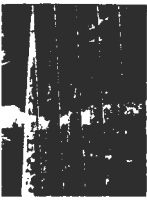
check # 47 21190907 for \$3,000.00

Covers these mines for prior reclamation. *arej*

(1)

REQUESTS FOR PRIOR RECLAMATION

Rord	Fee Paid By	Pd	Mine Name	Location			Present/Former Operator	Mineral Ownership	Map	Required Info
				Sec	T	R				
8/31/94	Santa Fe Pac. Gold Corp.	250	Unknown	13	11N	6W	M.P. Grace	Santa Fe Pacific Gold Corp.		
"	Homestake Mng. Co	250	Unknown	25	11N	10W	Homestake-Sripin	"	✓	✓
"	"	250	"	23	11N	10W	"	"	✓	✓
"	"	250	"	15	11N	10W	"	"	✓	✓
"	"	250	"	13	11N	10W	"	"	✓	✓
"	Hecla Mng. Co	250	Hope Mine	19	13N	9W	Ranchers Explor.	"	✓	Oct. 15
"	"	250	Doris Mine	21	13N	9W	"	"	✓	Oct. 15
"	Santa Fe Pacific Gold Corp.	250	Faith Mine	29	13N	9W	"	"	✓	
"	"	250	Isabella	7	13N	9W	"	"		
"	"	250	Johnny M	7	13N	8W	"	" (Hecla reclam.)		
"	"	250	Unknown	17	13N	9W	United Nuclear	"	✓	
"	"	250	"	31	13N	9W	"	"	✓	
"	"	250	Marquez	23	13N	9W	"	"	✓	
"	"	250	S W 1/4	13	13N	11W	Tadulte Explor.	"	✓	
"	"	250	Unknown	19	13N	10W	"	"	✓	
"	"	250	Poison Canyon	19	13N	9W	Reservo Oil & Min.	"	✓	
"	"	250	Sec. 25	25	13N	10W	"	"	✓	
"	"	250	Unknown	1	13N	9W	Kerr-McGee	"		
7/1/94	Quixera Mining Co.	250	Sec. 17	17	14N	9W	Quixera Mng. Co.	Quixera Mng. Co.		
"	"		"	19	14N	9W	"	"		
"	"		"	22	14N	10W	"	"		
"	"		"	24	14N	10W	"	"		
"	"		"	30	14N	9W	"	"		
"	"		"	30W	30	14N	9W	"		
"	"		"	33	14N	9W	"	"		
"	"		"	36	14N	9W	"	"		
8/30/94	Kerr-McGee Corp.	250	Church Rock I	35	17N		"	"	✓	✓
"	"		"	36	17N		"	"	✓	✓
"	"		"	II			"	"	✓	✓

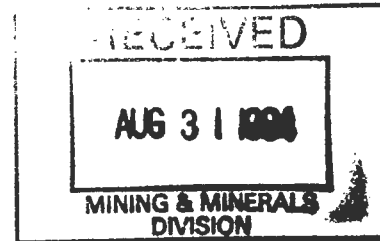


SANTA FE
PACIFIC
CORPORATION

BOX 27019 ALBUQUERQUE NEW MEXICO 87125
6200 UPTOWN BLVD NE, SUITE 400
ALBUQUERQUE, NM 87110
TEL 505-880-5300 FAX 505-880-5435

A Santa Fe Pacific Company

August 31, 1994
HAND DELIVERED



Mr. John Lingo, Director
Mining & Minerals Division
Energy, Minerals & Natural
Resources Department
2040 Pacheco Street
Santa Fe, New Mexico 87505

Re: Santa Fe Pacific Gold Corporation's Requests for Approval of
Prior Reclamation

Dear Mr. Lingo:

On behalf of Santa Fe Pacific Gold Corporation, this letter is being hand-delivered along with a series of one-page submittals and accompanying maps identifying certain properties which it believes were previously mined by other companies for recovery of uranium ores. These submissions are made in a spirit of cooperation even though Santa Fe Pacific Gold Corporation believes it is not required to make the submittals or undertake any other action under the New Mexico Mining Act, if that Act is deemed to apply at all to the uranium operations conducted at the site. Further, these submissions are made with the expectation that they may overlap with submissions by companies which conducted or owned the operations causing any disturbances.

For each site, Santa Fe Pacific Gold Corporation would like to request that the Director of the Mining and Minerals Division approve prior reclamation efforts pursuant to the New Mexico Mining Act if the Director believes that the Mining Act may be applicable to the operations previously conducted thereon. Pursuant to our attorney's recent discussions with you, these submissions are made with the express understanding that Santa Fe Pacific Gold Corporation fully preserves and does not waive any of its positions that it has no obligations whatsoever under the Mining Act with respect to these sites including, but not limited to, the following positions:

Mr. John Lingo, Director
August 31, 1994
Page 2

1. That any commodities or other materials produced from the properties or activities thereon constitute commodities, materials or activities regulated by the Nuclear Regulatory Commission such that the Mining Act does not apply;

2. That minerals were not produced from the properties in marketable quantities for a total of two years since January 1, 1970;

3. That as mere owner of mineral interests and lessor under instrument(s) pursuant to which operations owned and conducted by others occurred on the properties, Santa Fe Pacific Gold Corporation was not and is not an operator or owner of the operations with responsibilities, if there be any, under the Mining Act; and

4. That Santa Fe Pacific Gold Corporation has no obligation whatsoever to request approval of prior reclamation or carry out other responsibilities, if there be any, pertaining to the properties in relation to the Mining Act.

Santa Fe Pacific Gold Corporation makes these submissions with the further understanding that neither the submissions themselves, nor anything stated therein, nor the fact of making the submissions shall be advanced in any context, form or respect by the State of New Mexico or any agency or subdivision thereof as evidence or as an admission of any kind on any issue which may exist or hereafter arise in relation to Santa Fe Pacific Gold Corporation or its mineral properties in connection with the Mining Act. The same understanding applies in all respects to this letter.

With the exception of two mines, Santa Fe Pacific Gold Corporation believes these submissions cover all of its New Mexico properties that might conceivably be argued as properties on which "existing mining operations" are situated. The first such exception is the Northeast Church Rock Mine in Section 35, Township 17 North, Range 16 West. The Northeast Church Rock Mine was operated by United Nuclear Corporation under a lease with Santa Fe Pacific Minerals Corporation, now Santa Fe Pacific Gold Corporation. That lease recently terminated after the adoption of the New Mexico Mining Act.

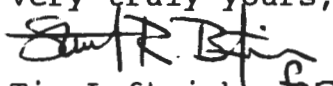
The second uranium mine for which submission is not made with this letter is the Old Church Rock Mine in Section 17, Township 16 North, Range 16 West. Santa Fe Pacific Gold Corporation believes that ongoing mining operations exist or are contemplated at that site by its most current lessee, Hydro Resources, Inc., and is informed that that company is already in contact with MMD

Mr. John Lingo, Director
August 31, 1994
Page 3

concerning any Mining Act responsibilities that may be applicable to the operations.

Santa Fe Pacific Gold Corporation's purpose for voluntarily submitting the enclosed requests for approval of prior reclamation, and for identifying in this letter the two leased uranium mine sites for which no submissions are made, is to cooperate fully and in a spirit of good faith so as to assist the Mining and Minerals Division in its tasks of identifying and narrowing down the potential Mining Act-regulated operations that may require a greater level of regulatory involvement.

If you have any questions concerning this letter, the enclosed submissions or the nonwaiver/preservation of rights language included, please do not hesitate to call.

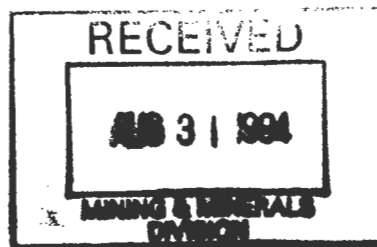
Very truly yours,

Tim Leftwich for

Request For Approval Of Prior Reclamation

Name Of Mine: Johnny M Mine

Topographic Location Of Mine: Section 7, T.13N., R.8W.

Operator Name: Ranchers Exploration



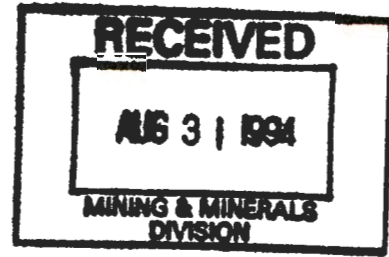
Description Of Site Condition: Ranchers had limited operations on this section under a lease from Santa Fe Pacific Minerals Corporation. This section was reclaimed in 1987. Surface disturbance areas were revegetated with native species and topography returned to original contour to the extent feasible. Mine features were backfilled or otherwise safeguarded.

Date Of Request: August 31, 1994

Non-waiver/Preservation Of Rights: This request for approval of prior reclamation is made with the express understanding that Santa Fe Pacific Gold Corporation fully preserves and does not waive any of its positions that it has no obligations whatsoever under the Mining Act with respect to these sites including, but not limited to, the following positions:

1. That any commodities or other materials produced from the properties or activities thereon constitute commodities, materials or activities regulated by the Nuclear Regulatory Commission such that the Mining Act does not apply;
2. That minerals were not produced from the properties in marketable quantities for a total of two years since January 1, 1970;
3. That as mere owner of mineral interests and lessor under instrument(s) pursuant to which operations owned and conducted by others occurred on the properties, Santa Fe Pacific Gold Corporation was not and is not an operator or owner of the operations with responsibilities, if there be any, under the Mining Act; and
4. That Santa Fe Pacific Gold Corporation has no obligation whatsoever to request approval of prior reclamation or carry out other responsibilities, if there be any, pertaining to the properties in relation to the Mining Act.

Santa Fe Pacific Gold Corporation makes this submission with the further understanding that neither the submission itself, nor anything stated therein, nor the fact of making the submission shall be advanced in any context, form or respect by the State of New Mexico or any agency or subdivision thereof as evidence or as an admission of any kind on any issue which may exist or hereafter arise in relation to Santa Fe Pacific Gold Corporation or its mineral properties in connection with the Mining Act.



August 30, 1994

Mr. Holland Shepherd
Chief, Mining Act Reclamation Bureau
Energy, Minerals and Natural Resources Department
State of New Mexico
2040 S. Pacheco
Santa Fe, New Mexico 87505

RE: Hope, Doris, and Johnny M Mines

Dear Mr. Shepherd:


This letter is written to request an inspection for prior reclamation for the Hope and Doris Mines. You will find Hecla's check number 0110-026005 for \$500 enclosed to cover the inspection fees for the two mines.

We will forward the additional information requested in items 1 through 4 of your August 29, 1994, letter to you by October 15, 1994.

Regarding the Johnny M Mine, enclosed is a copy of the May 21, 1993, federal register notice of the NRC's findings of the reclaimed site and their decision to terminate the radioactive materials license.

If you need additional information, please give me a call at (208) 769-4154.

Very truly yours,


Gary R. Gamble
Environmental Supervisor

cc: Larry Drew
George Wilhelm

21, 1993. Copies of these petitions are available for inspection at that address.

Dated: May 14, 1993.

Patricia W. Silvey,
Director, Office of Standards, Regulations and
Variances.

[FR Doc. 93-12131 Filed 5-20-93; 8:45 am]

BILLING CODE 4510-43-P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Performance Review Board

AGENCY: National Endowment for the
Humanities, NFAH.

ACTION: Notice.

SUMMARY: This notice announces a
revision in the membership of the SES
Executive Resources and Performance
Review Board.

Effective May 14, 1993, Michael S.
Shapiro, General Counsel, Office of the
General Counsel/Congressional Liaison,
has been designated to replace Anne D.
Neal, General Counsel, Office of General
Counsel/Congressional Liaison, as a
Member of the SES Performance Review
Board. Mr. Shapiro will serve the
unexpired portion of Anne D. Neal's
term through December 31, 1993.

FOR FURTHER INFORMATION CONTACT:

Timothy G. Connelly, Director of
Personnel, National Endowment for the
Humanities, 1100 Pennsylvania Avenue
NW., Washington, D.C. 20506.

Donald Gibson,

Acting Chairperson.

[FR Doc. 93-12129 Filed 5-20-93; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Research, Evaluation, and Dissemination; Meeting

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463, as amended), the National Science
Foundation announces the following
meeting.

Date and Time: June 7-8, 1993; 8:30 a.m.
to 5 p.m.

Place: The River Inn, 924 Twenty Fifth
Street, NW., Washington, DC.

Type of Meeting: Closed.

Contact Person: Ms. Barbara Lovitts,
Division of Research, Evaluation and
Dissemination, rm. 1227, National Science
Foundation, 1800 G Street, NW., Washington,
DC 20550, Telephone (202) 357-7071.

Purpose of Meeting: To provide advice and
recommendations concerning proposals
submitted to NSF for financial support.

Agenda: To review and evaluate research
proposals submitted to the Research in

Teaching and Learning Program as part of the
selection process for awards.

Reason for Closing: The proposals being
reviewed include information of a
proprietary or confidential nature, including
technical information; financial data, such as
salaries; and personal information
concerning individuals associated with the
proposals. These matters are exempt under 5
U.S.C. 552b(c), (4) and (6) of the Government
in the Sunshine Act.

Dated: May 18, 1993.

M. Rebecca Winkler,
Committee Management Officer.

[FR Doc. 93-12132 Filed 5-20-93; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8914]

Hecla Mining Co.; Final Finding of No Significant Impact Regarding the Termination of a Source Material License for Hecla Mining Company, Johnny M Mine Site, McKinley County, New Mexico

AGENCY: U.S. Nuclear Regulatory
Commission.

ACTION: Notice of final finding of no
significant impact.

1. Proposed Action

The proposed administrative action is
to terminate the source material license
authorizing Hecla Mining Company
(Hecla) to possess byproduct material at
the Johnny M Mine, McKinley County,
New Mexico.

2. Reasons for the Final Finding of No Significant Impact

The Johnny M Mine located near San
Mateo, New Mexico, was operated by
Ranchers Exploration and Development
(predecessor to Hecla Mining Company)
from early 1972 to late 1982. The
mining operation included backfilling of
mined-out areas with mill tailings. The
tailings were returned to the site from
the mill which processed the ore. An
estimated 286,000 tons of tailings were
injected into the mine. Disposal depths
ranged from 1134 feet to 1148 feet and
from 1162 feet to 1183 feet below the
surface (using the shaft for datum) or
about 1100 to 1300 feet underground,
depending on the terrain.

Reclamation of the mine property
began in early 1982. The mine shaft was
sealed with a 4-foot thick water ring
reinforced concrete plug set between the
Dakota formation and the Westwater
Canyon member of the Morrison
formation. The portal was sealed with a
12-inch thick reinforced concrete plug,

and a 20-inch diameter capped steel
pipe was set in the concrete.

The radiological reclamation plan for
the site consisted of removing the
remaining surface contamination until
appropriate standards were met. The
underground tailings were to be left
undisturbed. The contaminated material
was transported to and disposed of at
the Quivira Mining Company's Pond 2
disposal area.

The NRC staff evaluated an
Environmental Report, submitted by the
licensee on February 26, 1993,
addressing the effect of the proposed
action on the environment.

In accordance with Title 10, Code of
Federal Regulations, Part 51, Section
51.21, NRC prepared an environmental
assessment addressing the proposed
termination of the license. As a result of
that assessment, the NRC has
determined that an environmental
impact statement is not required for this
proposed licensing action. The
following statements support the
Finding of No Significant Impact and
summarize the environmental
assessment:

A. In accordance with 10 CFR
51.60(b)(3), the licensee submitted an
Environmental Report documenting the
potential environmental effects of the
proposed change.

B. The closure of site meets all the
criteria of 10 CFR Part 40, appendix A.
It was determined that the ground water
has not been significantly affected by
the tailings. Surface reclamation has
been verified by soil sampling. The deed
to the land has been annotated to
indicate that the tailings are present and
that they are subject to an NRC general
license under Title 10, Part 40, Code of
Federal Regulations, prohibiting the
disruption and disturbance of the
tailings.

C. The site has been reclaimed to the
requirements of 10 CFR Part 40,
Paragraph 40.42, and is suitable for
release for unrestricted use.

D. There is no need for long-term
surveillance of the site due to the
location of the tailings in the mine.

In accordance with 10 CFR 51.34(a),
the Director, Uranium Recovery Field
Office (URFO), made the determination
to issue a final finding of no significant
impact in the Federal Register. Source
Material License SUA-1482 for the
Johnny M Mine will be terminated upon
publication in the Federal Register.

The environmental evaluations setting
forth the basis for the finding are
available for public inspection and
copying at the Commission's Uranium
Recovery Field Office, 2700 Shuman

Street, Golden, Colorado, and at the

AUG 3 1993

MINING & MINERALS
DIVISION

Commission's Public Document Room at 2120 L Street, NW., Washington, DC.

Dated at Denver, Colorado, this 13th day of May 1993.

For the Nuclear Regulatory Commission.

Ramon E. Hall,

Director, Uranium Recovery Field Office.

[FR Doc. 93-12090 Filed 5-20-93; 8:45 am]

BILLING CODE 7590-01-M

Northeast Nuclear Energy Co.; Environmental Assessment and Finding of No Significant Impact

[Docket No. 50-245]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to an exemption from the requirements of 10 CFR Part 50, Appendix J, Paragraph III.C.1 issued to the Northeast Nuclear Energy Company (NNECO or the licensee) for Millstone Nuclear Power Station, Unit 1, located in New London County, Connecticut.

Environmental Assessment

Identification of the Proposed Action

The proposed action would correct an administrative error. The exemption, which was issued on June 5, 1991, granted exemptions for Penetrations X-25, X-26, X-202E and X-205 from the local leak test (Type C) requirements of 10 CFR part 50, appendix J, section III.C.1. The NRC staff concluded that the proposed alternative test procedures are the most conservative with the existing configuration and will test both valve seals to provide indication of the leak tightness of the containment boundaries. In a letter dated April 15, 1993, NNECO stated that one of the penetrations was not correctly identified, penetration X-202E should have been X-202D, and requested that the exemption be corrected.

The Need for the Proposed Action

The proposed exemption amendment is needed to correctly identify the subject penetration.

Environmental Impacts of the Proposed Action

The proposed exemption amendment corrects a misidentified penetration and, therefore, does not have any environmental impact. In the June 5, 1991, exemption, Penetration X-202E should have been X-202D. Penetration X-202E is for a vacuum breaker (torus to drywell) and does not require 10 CFR part 50, appendix J testing.

Thus, radiological releases will not differ from those determined previously and the proposed exemption -

amendment does not otherwise affect facility radiological effluents or occupational exposures. With regard to potential nonradiological impacts, the proposed exemption amendment does not affect plant nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption amendment.

Alternative to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption amendment, any alternative to this amendment will have either no significant different environmental impact or greater environmental impact. The principal alternative would be to deny the exemption amendment requested. Such action would not enhance the protection of the environment and would result in the misidentification of the penetration.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for Millstone Nuclear Power Station, Unit 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based on the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption amendment.

For further details with respect to this proposed action, see the licensee's letter dated April 15, 1993, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 13th day of May 1993.

For the Nuclear Regulatory Commission.

John F. Stolz, Director,

Project Directorate I-4, Division of Reactor Projects—III, Office of Nuclear Reactor Regulation.

[FR Doc. 93-12092 Filed 5-20-93; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-269, 50-270, and 50-287; License Nos. DRP-38, DPR-47, and DPR-55; EA 92-211]

Duke Power Co., Oconee Nuclear Station; Order Imposing Civil Monetary Penalty

I

Duke Power Company (Licensee) is the holder of License Nos. DPR-38, DPR-47, and DPR-55 issued by the Nuclear Regulatory Commission (NRC or Commission) on February 6, 1973, October 6, 1973, and July 19, 1974, respectively. The licenses authorize the Licensee to operate the Oconee Nuclear Station in accordance with the conditions specified therein.

II




An inspection of the Licensee's activities was conducted on September 26–November 3, 1992. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated December 28, 1992. The Notice stated the nature of the violation, the provision of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation. The Licensee responded to the Notice by letter dated February 25, 1993. In its response, the Licensee requested that the civil penalty be mitigated because the violation was not safety significant and by itself does not warrant significant regulatory concern and that the particular example cited does not adequately consider all of the related information that accompanied the discovery and identification of the degraded Low Pressure Service Water System flow condition.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violation occurred as stated and that the penalty proposed for the violation



LEGEND

-  APPROXIMATE LOCATION OF TRANSITE PIPE
-  ASSESSMENT AREAS
-  PROPERTY BOUNDARY



TDD NO: TO-0005-09-02-01
CERCLIS: NMN000606847
SOURCE: USGS, 6-9-1981



**US EPA REGION 6
START- 3**

**HISTORICAL SITE MAP
SAN MATEO URANIUM ASSESSMENT
PROPERTY - SM9000
ASSESSMENT DATE: 11/13/2010
SAN MATEO, CIBOLA COUNTY,
NEW MEXICO**

DATE MAR 2011	PROJECT NO 20406.012.005.0397.01	SCALE AS SHOWN
------------------	-------------------------------------	-------------------



Reclaimed Johnny M Mine Site

San Mateo

San Mateo, NM 87020

San Mateo

Image ©2011 DigitalGlobe
Image NMRGIS
©2011 Google

©2010 Google

Imagery Date 10/10/2006 1997

35°21'09.52" N 107°41'13.86" W elev 7185 ft

Eye alt 41385 ft



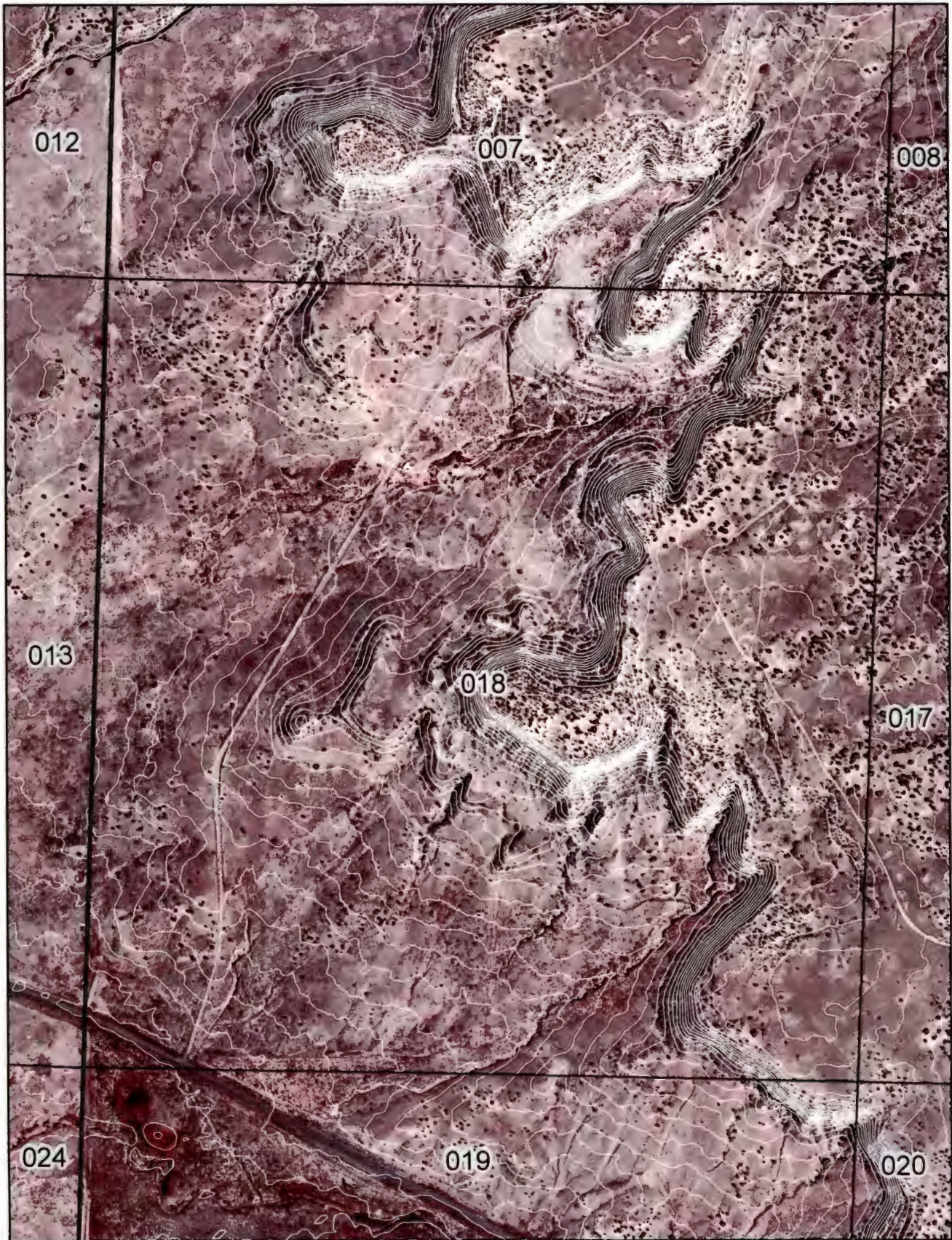
**Current Layout of Jackson
and Johnny M. Mine
Property**



Legend

-  Current Homesite
-  Property Boundary

Johnny M Site Map

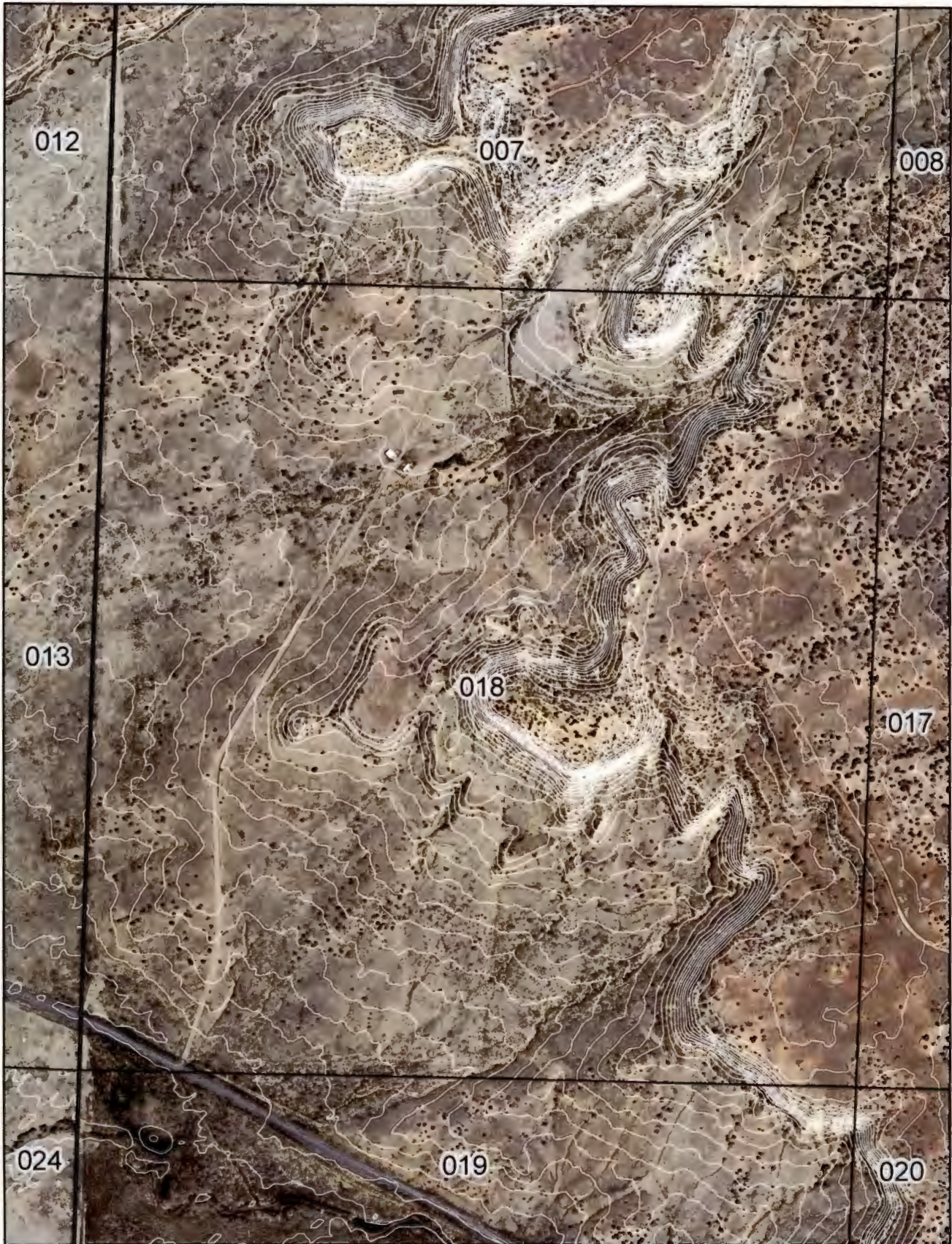


0 500 1,000 1,500 2,000
Feet

T13N R8W

Contour interval (CI) = 10 ft. Contours generated from an enhanced 2005 10m DEM of the San Mateo quadrangle. Imagery is 1m 2005-2006 color infrared (CIR) digital orthophotography of the San Mateo, NM, NW quarter. <http://rgis.unm.edu/browsedata> is the source for all GIS data.

Johnny M Site Map



0 500 1,000 1,500 2,000
Feet

T13N R8W

<http://rgis.unm.edu/browsedata> is the source for all GIS data.

Imagery is 1m 2009 NAIP DOQQ color (RGB) digital orthophotography of the San Mateo, NM, NW quarter.

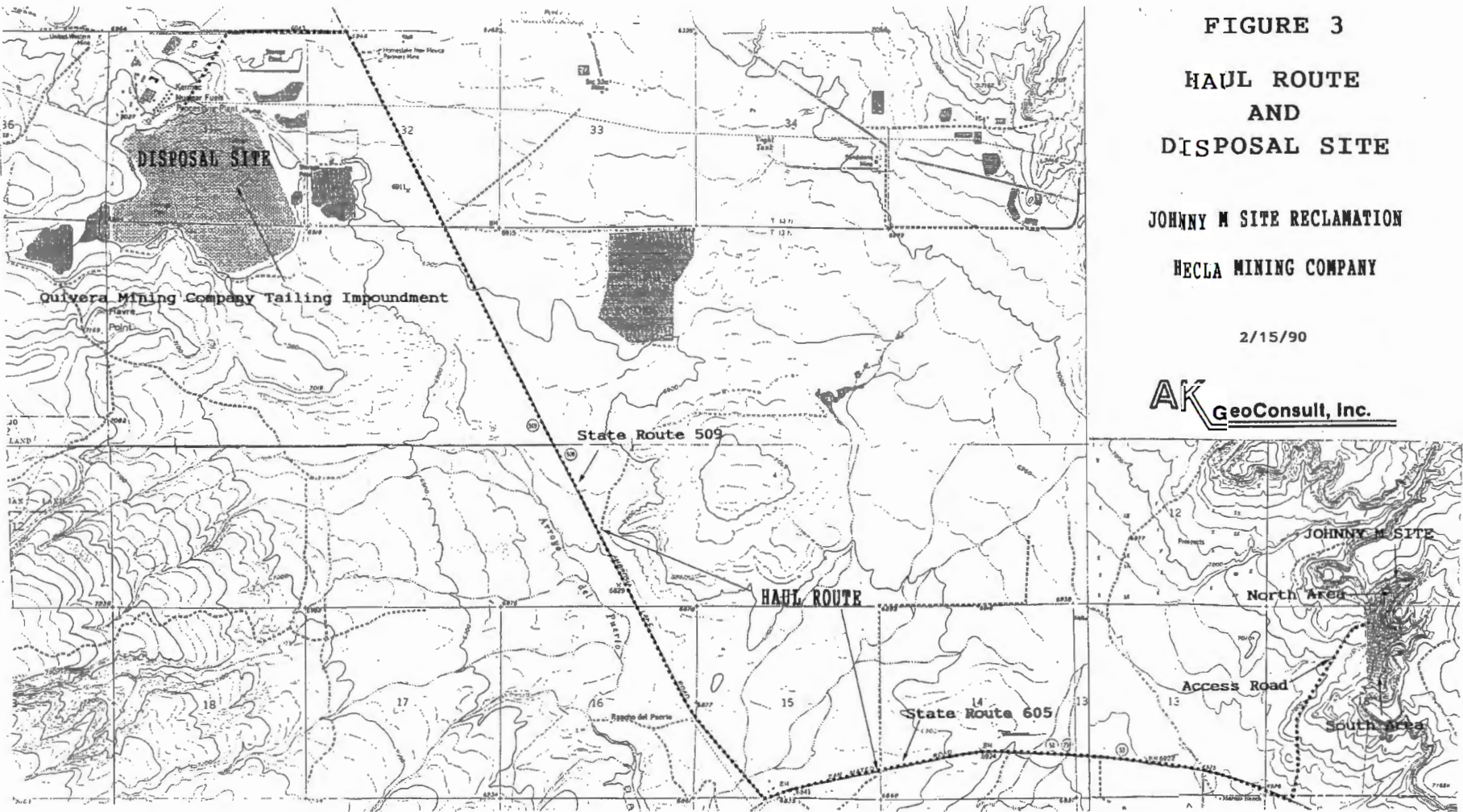


FIGURE 3
HAUL ROUTE
AND
DISPOSAL SITE
JOHNNY M SITE RECLAMATION
HECLA MINING COMPANY




2/15/90

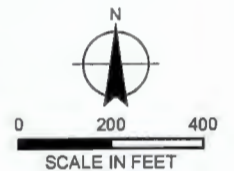
AK GeoConsult, Inc.

SM9000



LEGEND

-  APPROXIMATE LOCATION OF TRANSITE PIPE
-  ASSESSMENT AREAS
-  PROPERTY BOUNDARY



TDD NO: TO-0005-09-02-01
CERCLIS: NMN000606847
SOURCE: USGS, 6-9-1981



**US EPA REGION 6
START- 3**

**HISTORICAL SITE MAP
SAN MATEO URANIUM ASSESSMENT
PROPERTY - SM9000
ASSESSMENT DATE: 11/13/2010
SAN MATEO, CIBOLA COUNTY,
NEW MEXICO**

DATE MAR 2011	PROJECT NO 20406.012.005.0397.01	SCALE AS SHOWN
------------------	-------------------------------------	-------------------

Reclaimed Johnny M Mine Site

San Mateo
San Mateo, NM 87020
San Mateo

Image © 2011 DigitalGlobe
Image NMRGIS
© 2011 Google

© 2010 Google

Imagery Date: 6/10/2008 1997

35°21'09.52" N 107°41'13.86" W elev. 7189 ft

Eye alt 41385 ft

SM9000



LEGEND

-  PROPERTY BOUNDARY
-  ASSESSMENT AREAS



TDD NO: TO-0005-09-02-01
CERCLIS: NMN000606847
SOURCE: BLM, 9-30-1973



**US EPA REGION 6
START-3**

HISTORICAL SITE MAP - 1973
SAN MATEO URANIUM ASSESSMENT
PROPERTY - SM9000
ASSESSMENT DATE: 11/13/2010
SAN MATEO, CIBOLA COUNTY,
NEW MEXICO

DATE MAR 2011	PROJECT NO. 20406.D12.005.0397.01	SCALE AS SHOWN
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


**Current Layout of Jackson
and Johnny M. Mine
Property**



0 100 200 400 600 Feet

Legend

-  Current Homesite
-  Property Boundary

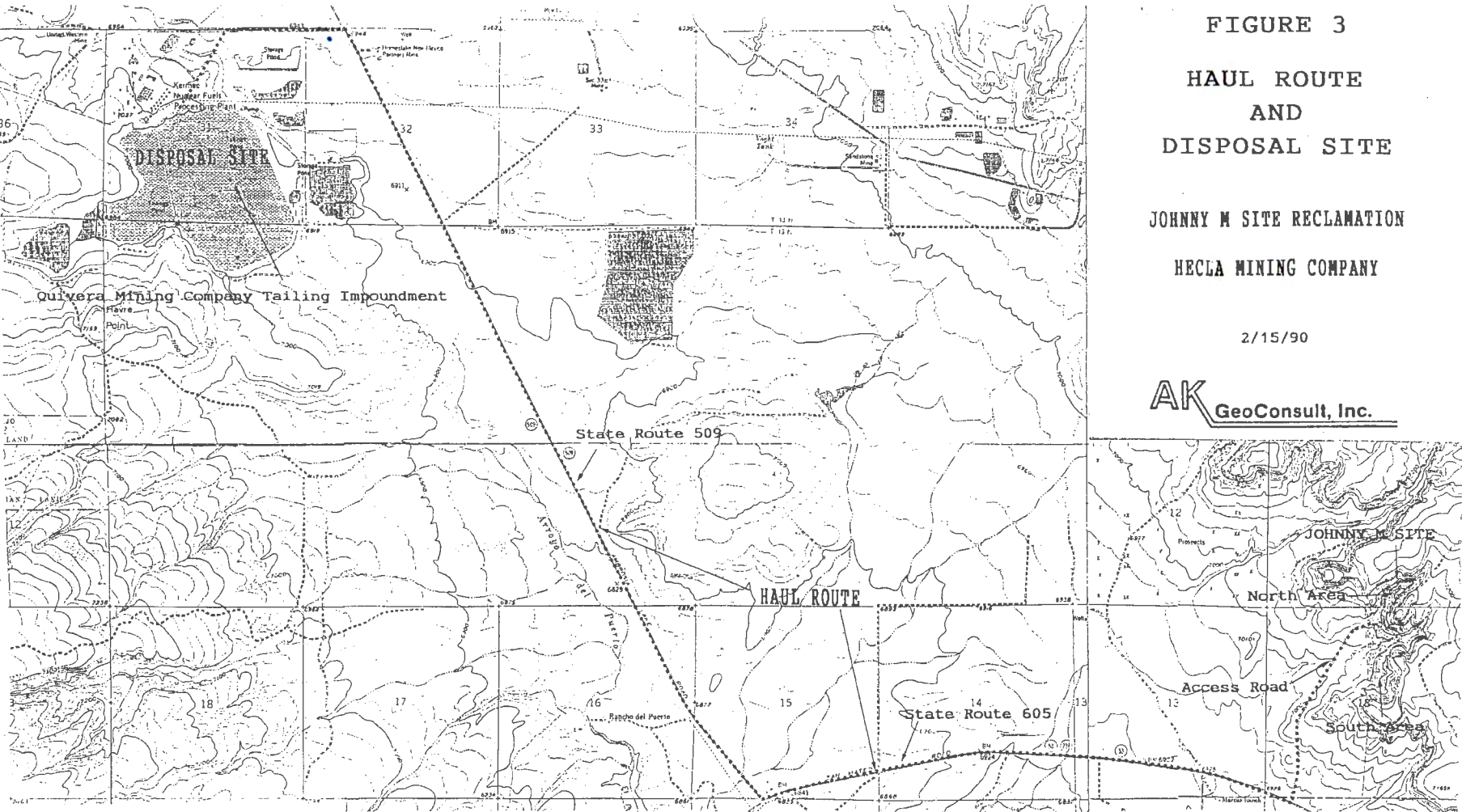


FIGURE 3
 HAUL ROUTE
 AND
 DISPOSAL SITE
 JOHNNY M SITE RECLAMATION
 HECLA MINING COMPANY

2/15/90

AK GeoConsult, Inc.

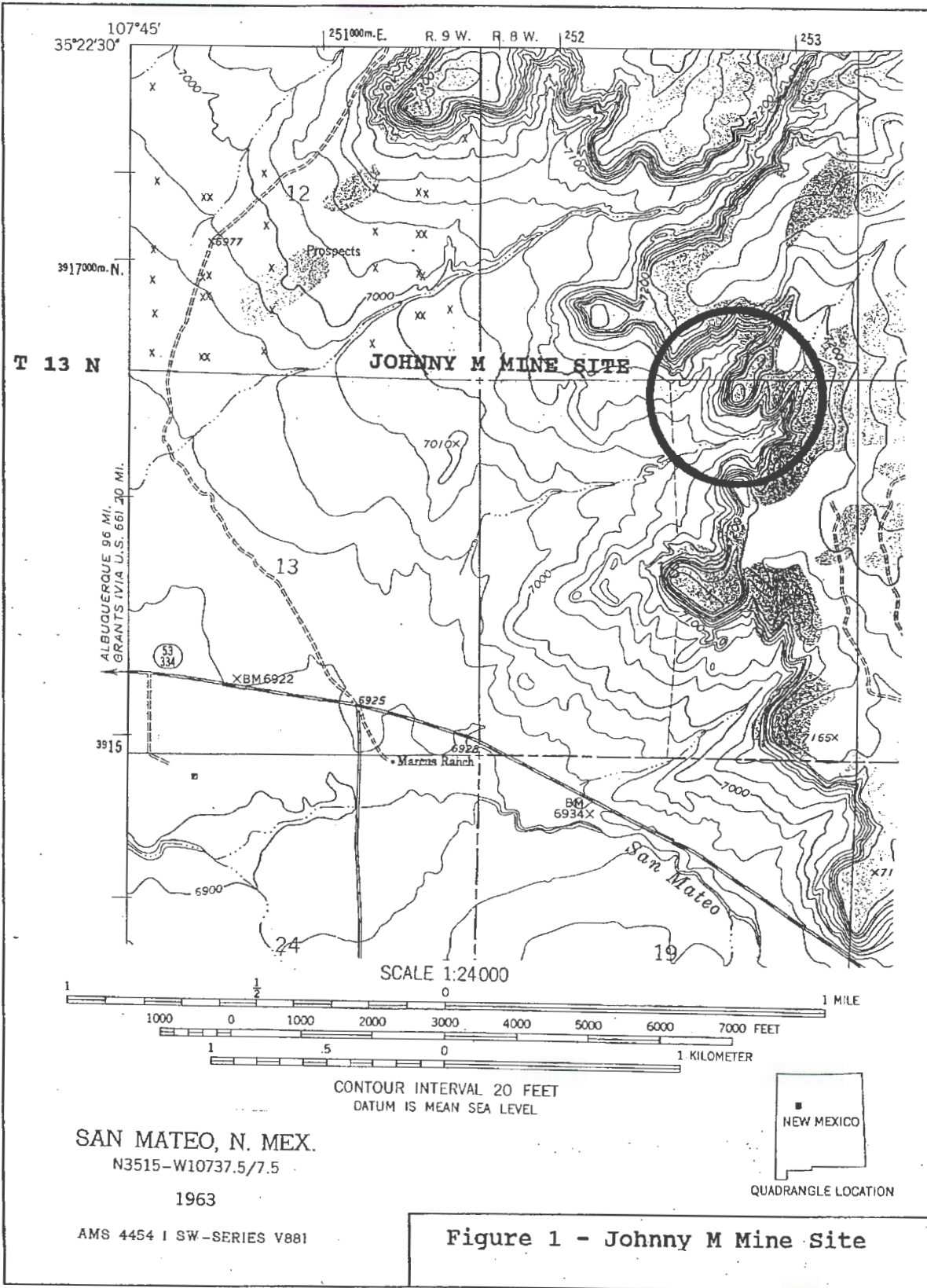
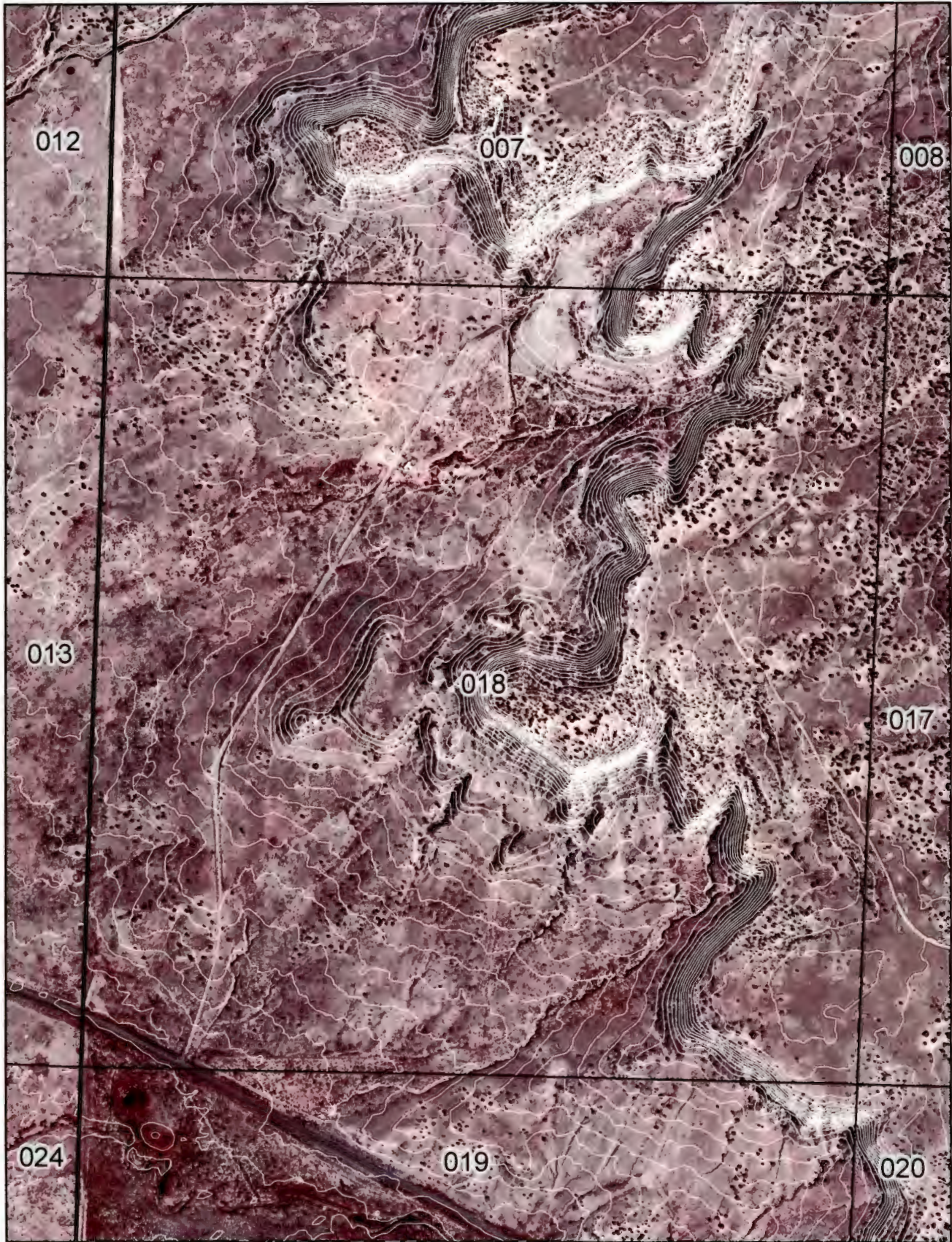


Figure 1 - Johnny M Mine Site

Johnny M Site Map

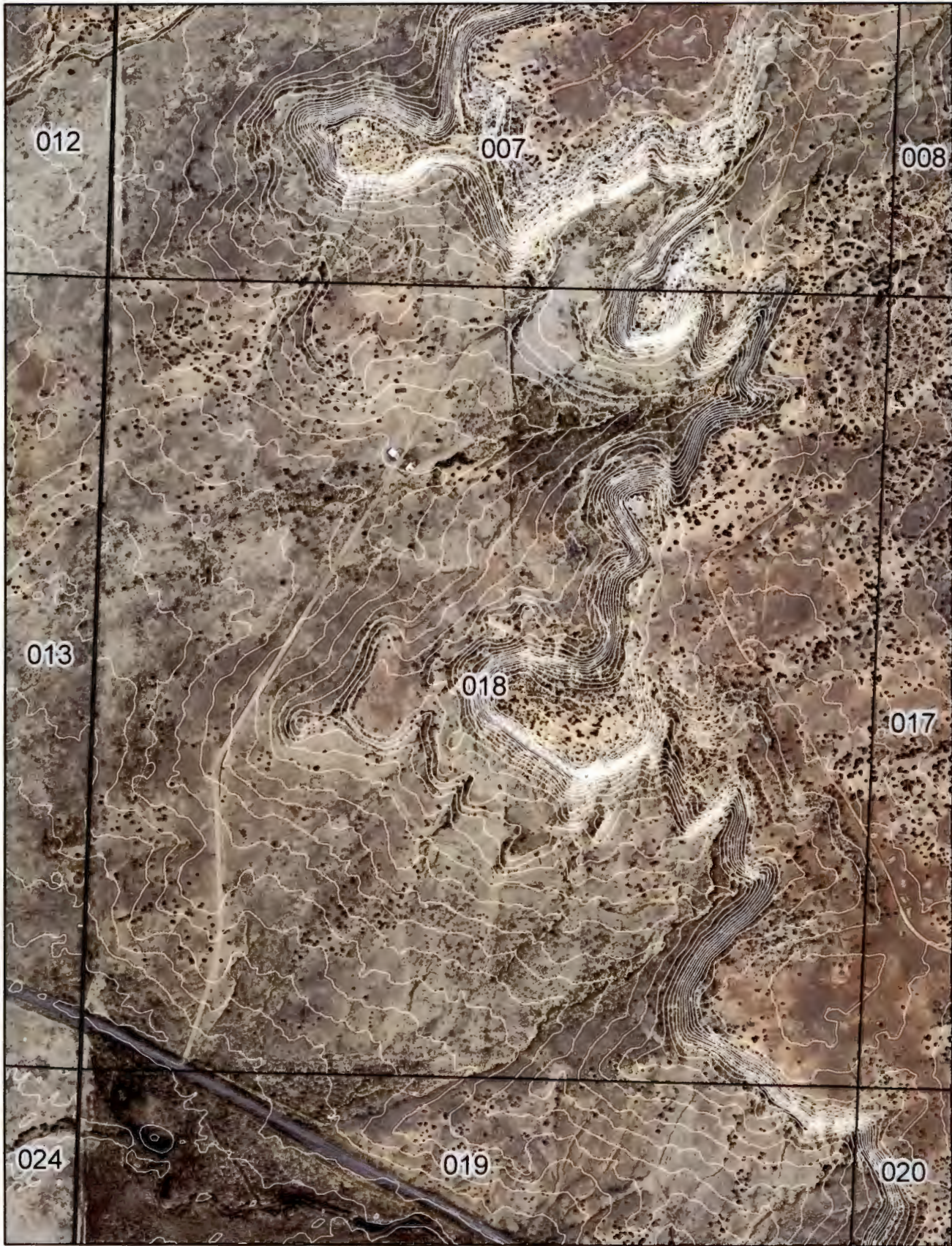


0 500 1,000 1,500 2,000
Feet

T13N R8W

Contour interval (CI) = 10 ft. Contours generated from an enhanced 2005 10m DEM of the San Mateo quadrangle. Imagery is 1m 2005-2006 color infrared (CIR) digital orthophotography of the San Mateo, NM, NW quarter. <http://rgis.unm.edu/browsedata> is the source for all GIS data.

Johnny M Site Map

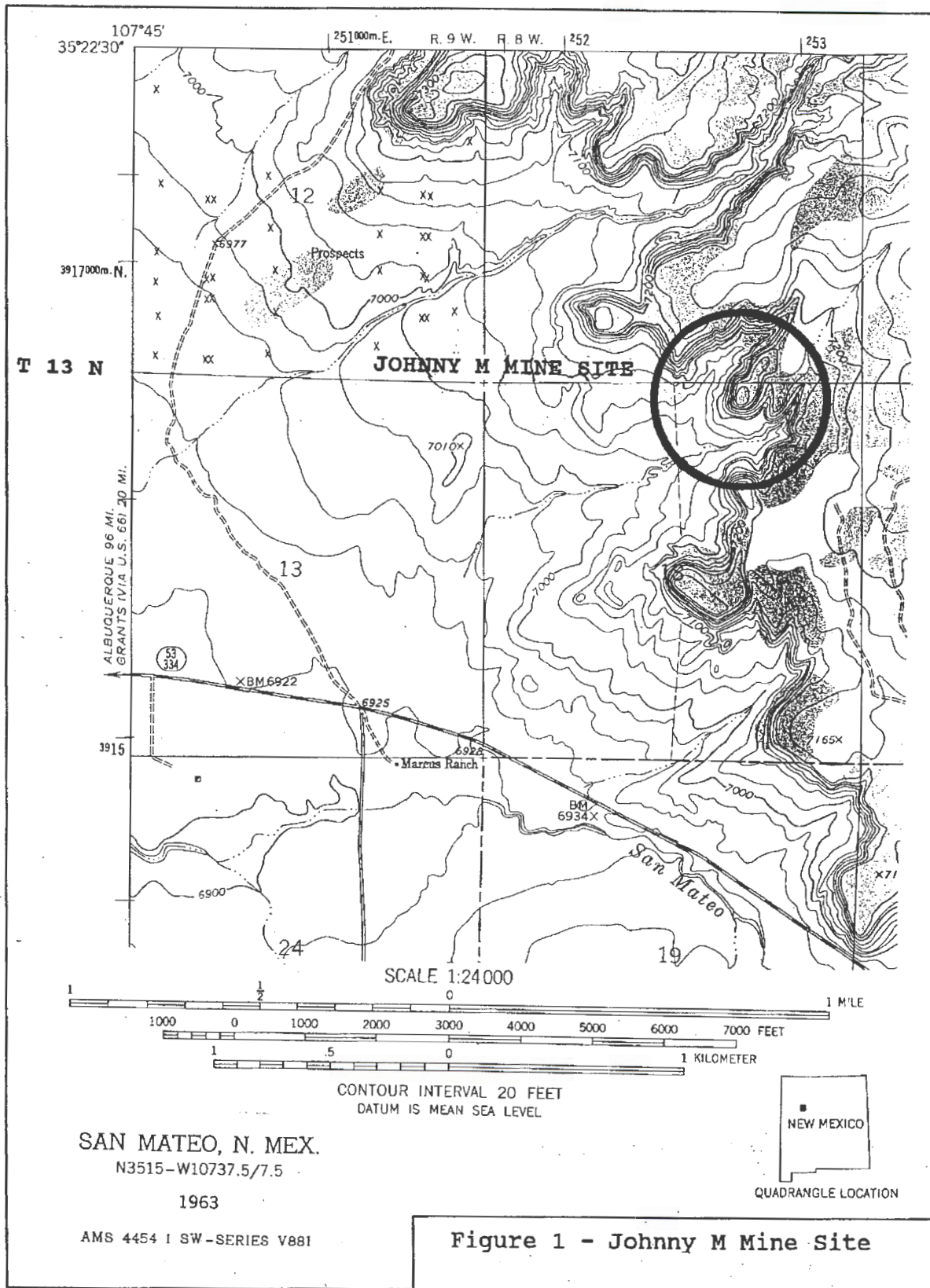


0 500 1,000 1,500 2,000
Feet

T13N R8W

<http://rgis.unm.edu/browsedata> is the source for all GIS data.

Imagery is 1m 2009 NAIP DOQQ color (RGB) digital orthophotography of the San Mateo, NM, NW quarter.





LEGEND

-  PROPERTY BOUNDARY
-  ASSESSMENT AREAS



TDD NO: TO-0005-09-02-01
CERCLIS: NMN000068847
SOURCE: BLM, 9-30-1973



**US EPA REGION 6
START- 3**

HISTORICAL SITE MAP - 1973
SAN MATEO URANIUM ASSESSMENT
PROPERTY - SM9000
ASSESSMENT DATE: 11/13/2010
SAN MATEO, CIBOLA COUNTY,
NEW MEXICO

DATE MAR 2011	PROJECT NO 20406.012.005.0397.01	SCALE AS SHOWN
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