



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

OFFICE OF RADIATION PROTECTION

111 Israel Road SE • PO Box 47827 • Olympia, Washington 98504-7827

TDD Relay Services: 1-800-833-6388

December 31, 2008

Ms. Elly Hale, Project Manager
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Dear Ms. Hale:

This is to follow up on our letter to you dated October 15, 2008. In that letter, we stated:

The NRC, from which DOH has delegated regulatory authority for radioactive material, stated its position clearly about radioactive materials licensing at CERCLA sites in a 1999 Directors Decision, DD-99-07. In this decision, NRC cites the permit exemption section of CERCLA, 42 U.S.C.A. 9621(e)(1), which provides: "(n)o Federal, State, or local permit shall be required for the portion of any removal or remedial action conducted entirely onsite, where such remedial action is selected and carried out in compliance with this section." As an Agreement State, it is our obligation to regulate radioactive material consistent with the practices of NRC. In light of the above, DOH intends to terminate the state of Washington radioactive materials license (WN-10390-1) for the water treatment plant license on December 31, 2008."

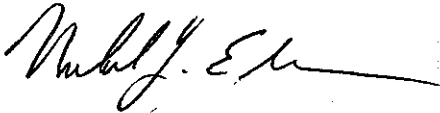
The purpose of this letter is to notify you that effective January 1, 2009, the state of Washington radioactive materials license **WN-10390-1**, which is issued to Dawn Mining Company for the production of source material incidental to the treatment of contaminated water at the Midnite Mine, is **terminated**. From discussions with you, it is our understanding that the U.S. EPA is ready to take over the regulation of radioactive material at the Midnite Mine as of January 1, 2009.



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Attached is a copy of the license amendment which terminates the state of Washington radioactive materials license as well as our letter to John Mudge, President of Dawn Mining Company, notifying him of the terminated license. If you should have any questions, do not hesitate to contact me.

Sincerely,



Mikel J. Elsen, Supervisor
Waste Management Section

Enclosures

cc: Alice Blado, AAG
Dorothy Stoffel, DOH
Bob Nelson, DMC
John Mudge, DMC
Rudy Peone, Spokane Tribe of Indians

State of Washington
Radioactive Materials License

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License Number WN-I0390-1

Amendment No. 3

Dawn Mining Company
5326 Uranium City Road
Ford, Washington 99013

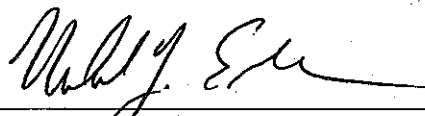
Attention: Robert Nelson, General Manager

In accordance with the Department of Health letter dated December 31, 2008, your state of Washington Radioactive Materials License Number **WN-I0390-1** is hereby **TERMINATED**.

FOR THE STATE OF WASHINGTON DEPARTMENT OF HEALTH

Date December 31, 2008

By


Mikel J. Elsen, Supervisor
Waste Management Section