



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF RADIATION PROTECTION

December 31, 2008 *111 Israel Road SE • PO Box 47827 • Olympia, Washington 98504-7827*
TDD Relay Services: 1-800-833-6388

Mr. John Mudge, President
Dawn Mining Company
427 Ridge St., Suite C
Reno, Nevada 89501-1736

Dear Mr. Mudge:

This is to follow up on our letter to you, dated April 3, 2008. In that letter we stated that the NRC, from which DOH has delegated regulatory authority for radioactive material, has stated its position clearly about radioactive materials licensing at CERCLA sites. In a 1999 Director's Decision, DD-99-07 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 materials consistent with the practices of NRC. In light of the above, DOH intends to terminate the water treatment plant license at the end of the year. By separate letter, we are reminding EPA of this timeframe and of their need to ensure radiation health and safety oversight at the water treatment plant once the license is terminated."

The purpose of this letter is to notify you that effective January 1, 2009, the state of Washington radioactive materials license **WN-I0390-1**, which was issued to Dawn Mining Company for the production of source material incidental to the treatment of contaminated water at the Midnite Mine, is **terminated**.

Enclosed is License Amendment 3, which terminates the state of Washington radioactive materials license, as well as our letter to Elly Hale, Project Manager for the U.S. EPA, notifying her 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: Bob Nelson, DMC
Alice Blado, AAG
Dorothy Stoffel, DOH
Rudy Peone, Spokane Tribe of Indians
Elly Hale, EPA

