

March 9, 2006

Mr. Joe Vranka, Program Manager
Radiation Control Program
Hazardous Materials and Waste Management Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

RE: RESPONSE TO YOUR JANUARY 4, 2006 LETTER ON GROUNDWATER
MONITORING AT HECLA'S DURITA URANIUM MILLING SITE (COLORADO
RADIOACTIVE MATERIALS LICENSE #317-02)

Dear Mr. Vranka:

This is in response to your January 4, 2006 letter (ADAMS Accession No. ML060190022) responding to our December 2, 2005 letter (ADAMS Accession No. ML053360225) on groundwater monitoring at Hecla's Durita uranium mill site. Your letter presents the Colorado Department of Public Health and Environment's (CDPHE) technical and regulatory bases for allowing the licensee, Hecla, to terminate the groundwater detection monitoring program at the Durita uranium mill site in 1997 and to plug the wells in 2002. CDPHE's approval, and the licensee's action to terminate the groundwater detection monitoring program, was taken approximately seven years prior to CDPHE's submittal of the draft Completion Review Report (CRR) to the U.S. Nuclear Regulatory Commission (NRC) documenting that the State was prepared to terminate the specific license.

Upon review of your letter, we still do not see any language in the CDPHE requirements of 6 CCR 1007-1, Part 18, Appendix A, Criterion 7 that allows for termination of the groundwater detection monitoring program approximately seven years prior to the State's determination to terminate the specific license. At this time, under our responsibilities found in 10 CFR 150.15a(a) and Section 274c of the Atomic Energy Act of 1954, as amended, we are unable to concur with the groundwater section of the draft CRR that is currently under review.

Under these circumstances, we respectfully suggest that CDPHE reconsider our December 2, 2005 letter on our proposed path forward, which would bring the site into compliance with your current regulatory requirements and allow us to concur on the groundwater section of the CRR.

If you have any questions on the current status of our review of the draft CRR, please contact Dennis Sollenberger of my staff at 301-415-2819.

Sincerely,

/RA/

Janet R. Schlueter, Director
Office of State and Tribal Programs

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Janet R. Schlueter, Director
Office of State and Tribal Programs

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***See previous concurrence.**

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