



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 20, 2021

William Nelson, Chairman
Comanche Nation, Oklahoma
PO Box 908
Lawton, OK 73502

SUBJECT: DURITA SITE LICENSE TERMINATION AND TRANSFER OF SITE TO THE
U.S. DEPARTMENT OF ENERGY FOR LONG-TERM CARE AND
MAINTENANCE

Dear Chairman Nelson:

We are sending you this letter because we identified your tribe as being potentially interested in upcoming actions related to the Durita site in Montrose County, Colorado. The site is approximately 100 miles south of Grand Junction and 2.5 miles west of Naturita, CO, and is about two road miles west from the San Miguel River Valley floor at an elevation of about 5600 feet. This location is within the Canyon Lands area of the Colorado Plateau. Given the site's proximity to your current reservation or ancestral lands, you may be interested in the process for terminating the current uranium extraction license (issued by the State of Colorado) and transferring the site to the U.S. Department of Energy (DOE) for long-term care and maintenance.

The Durita facility was built in 1977 by Ranchers Exploration and Development Corporation (Ranchers), which later merged with the Hecla Mining Corporation (Hecla) in 1984. The facility was operated by Ranchers from 1977 to 1979 as a secondary uranium extraction heap leach operation—one method of extracting uranium from mined material that is a form of conventional milling. The formal decommissioning and reclamation of the site began in 1992, and final demolition and salvage were completed in 1999. Nonsalvaged equipment and structures were buried onsite, and contaminated soils were excavated and placed in either the leach tanks or a disposal cell. During reclamation, no evidence of leakage from the evaporation ponds was noted, and material beneath the ponds was dry. The State of Colorado determined that the remediation at the site was sufficiently complete that the site license could be terminated. This decision triggered the license termination process described below.

License Termination Process

The license termination process includes the following activities by the State of Colorado, the Bureau of Land Management (which administers 192 acres of the site), DOE, NRC, and the licensee.

- 1) The State of Colorado prepares the Completion Review Report (CRR) documenting the State's basis for its conclusion that the licensee acceptably completed the decommissioning and reclamation activities at the site.
- 2) The NRC reviews the CRR to ensure the State meets the applicable standards and requirements for uranium mill reclamation and decommissioning and, if acceptable, concurs on it.

- 3) The DOE prepares a Long-Term Surveillance Plan (LTSP) describing how the DOE will monitor the site to ensure adequate protection of public health and safety
- 4) The NRC completes a safety and environmental review of the LTSP and, if acceptable, approves it.
- 5) Hecla deposits funds in the United States Treasury to fund the LTSP implementation
- 6) BLM transfers property rights affecting the site to DOE
- 7) Colorado terminates Hecla's license
- 8) DOE becomes the site custodian and implements the LTSP

Current Status

On March 2, 2016, we received the State of Colorado's final CRR documenting the State of Colorado's conclusion that decommissioning and reclamation has been acceptably completed at the Durita site (Agencywide Document Access and Management System [ADAMS] Accession No. [ML17243A414](#)). We are reviewing the CRR for conformance to applicable standards and requirements in Title 10 of the *Code of Federal Regulations* Part 40 Appendix A, "Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content" that were incorporated by reference in Colorado's uranium recovery regulations (Rules of Colorado Department of Environmental Quality, Appendix A of Part 18 of the Colorado Rules and Regulations Pertaining to Radiation (6 CCR 1007-1-18)).¹ Our guidance for reviewing CRRs is contained in SA-900, "Termination of Uranium Milling Licenses in the Agreement States" (ADAMS Accession No. [ML101130527](#)).

We also received the DOE's LTSP on November 23, 2020 (ADAMS Accession No. [ML20335A148](#)). We are currently conducting a safety review and an environmental review of the LTSP. Our guidance for reviewing LTSP's is contained in NUREG-1620, Rev. 1 (ADAMS Accession No. [ML032250190](#)).

Opportunities for Tribal Engagement

We are informing your tribe of these actions in accordance with our Tribal Policy Statement at <https://www.nrc.gov/about-nrc/state-tribal/tps.html>. Your tribe may be interested in our reviews of both the CRR and the LTSP.

The CRR review is an administrative action that will not affect any historic or cultural properties, even if they are present at or near the site. All remediation and closure activities that would affect physical aspects of the site have already occurred. Our CRR review is only to ensure that the State of Colorado met all applicable standards and requirements before the State terminates the uranium recovery license held by Hecla. We will notify you of the results of our CRR evaluation.

The LTSP review, in contrast, is our review of actions that DOE plans to take in the future. We will complete both an environmental and a safety review of the DOE's LTSP. The environmental review will include consultation under Section 106 of the National Historic Preservation Act (NHPA). We will send your tribe additional information on NHPA Section 106 consultation later this fall.

¹ Colorado's regulations are consistent with and compatible with NRC regulations as required by the State's Agreement State status with the NRC that began in 1982.

If you have questions or comments concerning this letter or the Durita site's license termination process, please contact Mr. Stephen Poy in the State Agreements and Liaison Programs Branch at 301-415-7135, or by email at Stephen.Poy@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Theresa Clark".

Clark, Theresa signing on behalf
of Williams, Kevin
on 04/20/21

Kevin Williams, Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Identical Letters sent to:

Navajo Nation, Arizona, New Mexico & Utah

Apache Tribe of Oklahoma

Fort Belknap Indian Community of the Fort Belknap Reservation of Montana

Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah

Ute Indian Tribe of the Uintah and Ouray Reservation, Utah

Southern Ute Indian Tribe of the Southern Ute reservation

Initial Letter to Tribes re Durita License Termination and long-term care DATE April 20, 2021

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ADAMS Accession No.: ML21106A086

* via email

OFFICE	NMSS/MSST/SLPB	NMSS/REFS /ERMB	NMSS/MSST/MSTB	NMSS/MSST/SALB
NAME	SPoy <i>SP</i>	MCoflin <i>MC</i>	DAlley <i>DA</i>	BAnderson <i>BA</i>
DATE	Mar 23, 2021	Mar 24, 2021	Mar 25, 2021	Mar 31, 2021
OFFICE	NMSS/REFS/ERMB	OGC/NLO*	NMSS/MSST	
NAME	JQuintero <i>JQ</i>	EStocking <i>ES</i>	KWilliams TClark for <i>TC</i>	
DATE	Apr 5, 2021	Apr 6, 2021	Apr 20, 2021	

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