



## Department of Energy

Washington, DC 20585

September 25, 2012

NM-000666

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Deputy Director  
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Washington, DC 20555-0001

Mr. Dennis Sollenberger  
U.S. Nuclear Regulatory Commission  
Mail Stop T8E24  
Washington, DC 20555-0001

Subject: Durita, Colorado Site Groundwater Monitoring

Dear Mr. Sollenberger:

This letter is in response to a recent inquiry from the U.S. Nuclear Regulatory Commission (NRC) regarding the need for future groundwater monitoring at the Durita, Colorado Title II Uranium Mill Tailings Radiation Control Act (UMTRCA) site. As regulator for the site, the State of Colorado, under their agreement state status, determined in 1998 that due to the nature of the site and surroundings, ongoing groundwater monitoring would not be needed. Accordingly, U.S. Department of Energy, Office of Legacy Management (DOE-LM) prepared a draft Long Term Surveillance Plan (LTSP) that did not include ongoing groundwater monitoring as an annual activity. Subsequently, NRC determined groundwater monitoring would be required. The condition of the site has remained the same since that time with no termination being made official.

DOE-LM will revise the draft LTSP to incorporate the scope of work necessary to perform long term care of the site as determined by the regulators. Since NRC will regulate the site under the DOE general license upon transfer to the Office of Legacy Management, DOE-LM will adjust the scope covered in the draft LTSP according to the determination of NRC. DOE-LM understands that although the State of Colorado is an agreement state and has the authority to administer the Title II program on behalf of NRC; the NRC may make the final decision about the conditions of the site and final termination of the license. As such, if NRC determines it is necessary to include groundwater monitoring in the long term care of the site, DOE-LM will expect the current licensee to prepare the site to accommodate that requirement prior to termination, and that this issue will be resolved by all parties involved prior to either termination of the license or transfer to the DOE.

Further, if groundwater monitoring is deemed necessary and wells must be replaced, DOE-LM would expect an additional two years, at least, of renewed groundwater monitoring prior to transfer. This would ensure the site is indeed ready for transfer under the DOE general license without undue additional cost to the U.S. taxpayer. DOE-LM would also expect a concomitant increase in the long term surveillance charge to the licensee to cover the increased ongoing costs of groundwater

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monitoring. DOE-LM would expect a clear delineation of expected conditions and actions to be taken in the event of increasing contaminant concentrations to be incorporated in the draft LTSP. Other Title II sites that have ongoing groundwater monitoring typically have applied for an alternate concentration limit based on years of pump and treat and the eventual drop-off of removal efficiency after some time.

If the NRC determines that no further groundwater monitoring is needed at the site, then the current draft LTSP will need only very minor revisions to reflect the already anticipated scope due to changes within the DOE-LM organization since drafting. We have advised the licensee, Hecla Mining, through correspondence with Dave Holland, that due to the amount time since the transfer actions were initiated, the transfer process would need to be restarted. This process typically takes about two years to complete. DOE-LM will take the NRC concurrence on the licensee's Completion Report Review to mean that license termination is imminent and that we may begin the transfer process. DOE-LM has posted "Process for Transition of Uranium Mill Tailings Radiation Control Act Title II Disposal Sites to the U.S. Department of Energy Office of Legacy Management for Long-Term Surveillance and Maintenance" on the public website for all interested parties to reference.

Please call me at (970) 248-6073 if you have any questions. Please address any correspondence to:

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Sincerely,



Richard P. Bush  
UMTRCA Program Manager

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