



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

May 25, 2021

Ken Kreie
U.S. Department of Energy
Office of Legacy Management
2597 Legacy Way
Grand Junction, CO 81503

Dear Mr. Kreie:

I am responding to your November 23, 2020, submittal requesting our review and comment on the draft Long-Term Surveillance Plan (LTSP) for the Hecla Durita site (Colorado Radioactive Material License No. CO-317-02) located in Montrose County, Colorado (Agencywide Document Access and Management System (ADAMS) Accession No. ML20335A146). We appreciate the opportunity to comment on this draft version of the LTSP.

We did not identify any significant concerns with the LTSP during our acceptance review. Our attached comments are based on our technical review in accordance with the criteria in Appendix D of NUREG-1620 Revision 1, "Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act of 1978."

We appreciate the Department of Energy's effort to work with the NRC and the State of Colorado to terminate the Hecla Durita site license.

If you have any questions or comments, please contact Brian Anderson at Brian.Anderson@nrc.gov.

Sincerely,

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

Clark, Theresa signing on behalf
of Williams, Kevin
on 05/25/21

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

Enclosure:
NRC Staff Comments

cc: J. Grice, CDPHE

**NRC Staff Comments on Hecla Mining Corporation's
Durita Preliminary Draft Long-Term Surveillance Plan**

1) Page 2

Statements in the second paragraph state that the U.S. Nuclear Regulatory Commission (NRC) will "re-accept" Long-Term Surveillance Plans (LTSP). Title 10 of the *Code of Federal Regulations* (10 CFR) 40.28 specifies the process for LTSP acceptance and revision. The NRC suggests that DOE delete this phrase.

2) Page 3

The LTSP description of the site appears to assume that all of the land has been transferred to DOE, while the letter indicates that the Bureau of Land Management land will not be transferred before the license is terminated. When the LTSP is accepted by NRC, either the land will have been transferred or other arrangements will have been made to ensure that the site will not be used in a way that could adversely impact the tailings. When the final LTSP is ready for acceptance by NRC, the land ownership description will need to be updated to state the final condition of the land ownership.

3) Page 7

Section 2.3.1 of the LTSP describes the final site closure conditions. The description of the final site condition is adequate to provide future inspectors with a baseline to determine if changes at the site have occurred. Figure 3 is a September 2018 photograph of a portion of the site. In the final LTSP, please include several representative photographs of the site when it is transferred to the DOE/LM to allow future inspectors to determine if changes are occurring at the site.

4) Page 11

Section 2.3.2 of the LTSP describes the permanent site surveillance features, which include 11 perimeter signs, one entrance sign, six boundary markers, and a site marker. Figures 5 and 6 of the LTSP provide images of the site marker and entrance sign. DOE should ensure that the final LTSP includes an image or photograph of these other signs as well as the perimeter signs and boundary markers.

5) Page 24

The first bullet under the discussion of DOE actions in case of unusual damage discusses informing NRC, but it is not clear which criteria DOE will use – 10 CFR 40.60 or 10 CFR Part 40, Appendix A, Criterion 12. Please review the commitments on page 24 (first bullet). Note that the reporting requirements for the cited regulations are different; DOE should clarify which reporting standard it intends to use.

6) Page 26

DOE should revise the reporting commitments to indicate that DOE will contact the NRC NMSS MSST Project Manager and NMSS MSST Branch Chief, the Region IV Branch Chief and Region IV principal site inspector if the site experiences “unusual damage or disruption.” If the site experiences Priority 1 damage, the NRC Emergency Operations Center should be notified as soon as DOE is aware of the damage as per 10 CFR 40.60 as is referenced in the LTSP.

Response Letter to DOE re Draft LTSP dated November 23, 2020 DATE May 25, 2021

DISTRIBUTION:

KWilliams, NMSS/MSST

TClark, NMSS/MSST

ADAMS Accession No.: Ltr ML21047A147

*** via email**

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