



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

July 2, 2021

**VIA EMAIL ONLY**

Mr. Terry Knight  
Tribal Historic Preservation Officer  
Ute Mountain Tribe  
P.O. Box 468  
Towaoc, CO 81334  
[tknight@utemountain.org](mailto:tknight@utemountain.org)

SUBJECT: LICENSE TERMINATION AND TRANSFER OF THE HECLA URANIUM  
RECOVERY DURITA SITE TO THE U.S. DEPARTMENT OF ENERGY FOR  
LONG-TERM CARE AND MAINTENANCE - TRIBAL CONSULTATION UNDER  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

Dear Mr. Knight:

We are sending you this letter because we identified your Tribe as being potentially interested in the license termination of the Durita site located in Montrose County, Colorado. In a letter to your Tribe dated April 20, 2021 (Agencywide Document Access and Management System Accession No. ML21106A083), the U.S. Nuclear Regulatory Commission (NRC) explained the process and review activities for the termination of the license by the State of Colorado and transfer of the site to the Department of Energy (DOE) for the long term care and maintenance of the site. That letter explained that the NRC staff would review a long-term surveillance plan (LTSP) from DOE prior to activating DOE's general license for long term care.

The NRC staff is conducting both a safety and environmental review of the DOE's LTSP. As established in Title 10 *Code of Federal Regulations* (10 CFR) Part 51, the NRC regulation that implements the National Environmental Policy Act of 1969, as amended, at the NRC, the NRC is preparing an environmental assessment for the proposed action in connection with its safety review of the LTSP for the Durita disposal site.

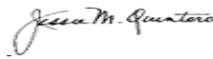
A site location map (Enclosure 1) and a diagram of the proposed long-term care boundary (Enclosure 2) are enclosed. Any activities that would impact the surface of the site, including decommissioning and reclamation activities, have already been reviewed, evaluated and completed during previous licensing actions overseen by the State of Colorado. The LTSP is a plan for long-term surveillance to ensure that the site characteristics do not change, and to ensure the long-term isolation of the material disposed at the site. The LTSP would consist of activities to meet the requirements identified for long-term custodial care in 10 CFR Part 40, "Domestic Licensing of Source Material," which includes annual site inspections and reports, follow-up inspections and site maintenance as necessary, emergency measures, and environmental monitoring, as appropriate.

Because the proposed activities for the long-term surveillance of the facility would likely not alter any of the current characteristics of the site, the NRC staff finding under Section 106 of the National Historic Preservation Act is that the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present.

Please review the enclosed location and boundary maps and submit any comments and/or information you would like regarding this determination within 30-days of receipt of this letter to Ms. Jill Caverly via email at [Jill.Caverly@nrc.gov](mailto:Jill.Caverly@nrc.gov). If you have any questions, please contact Ms. Caverly by telephone at 301-415-7674 or via email.

Thank you for your assistance.

Sincerely,



Signed by Quintero, Jessie  
on 07/02/21

Jessie M. Quintero,  
Chief Environmental Review Materials Branch  
Division of Rulemaking, Environmental,  
and Financial Support  
Office of Nuclear Material Safety  
and Safeguards

Enclosures:

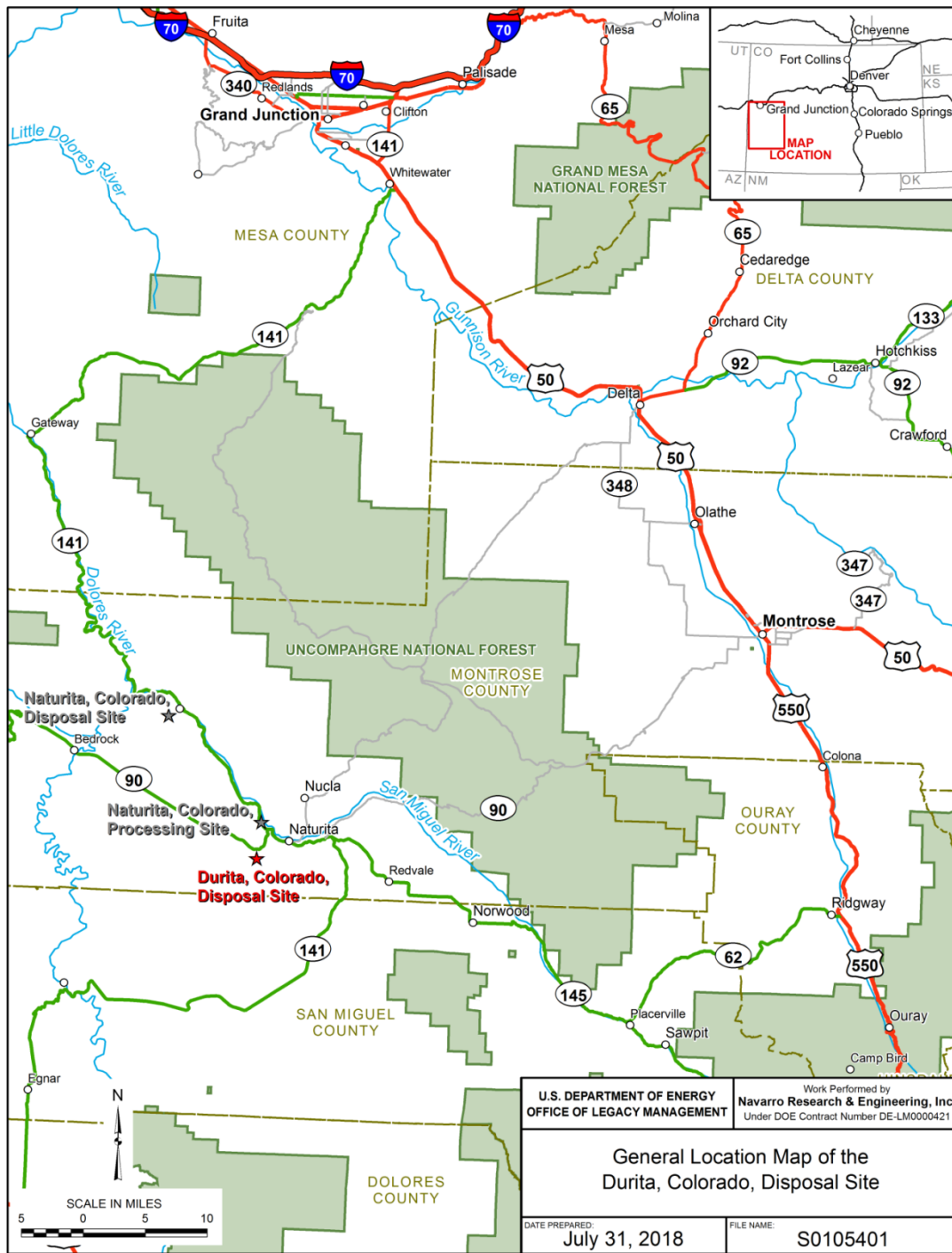
1. Site location map
2. Long term care boundary

cc via email:

Manuel Heart

Ute Mountain Tribe

[Manuel.Heart@utemountain.org](mailto:Manuel.Heart@utemountain.org)



Hecla - Durita Site Location

