



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

June 1, 2021

Bernadette Tsosie  
Bluewater Site Manager  
U.S. Department of Energy  
Office of Legacy Management  
2597 Legacy Way  
Grand Junction, CO 81503

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION STAFF RESPONSE TO  
U.S. DEPARTMENT OF ENERGY OFFICE OF LEGACY MANAGEMENT,  
APRIL 16, 2021, DISPOSAL CELL REPAIR PROJECT PROPOSAL,  
BLUEWATER, NEW MEXICO, DOCKET 040-08902.

Dear Ms. Tsosie:

By letter dated September 23, 2020, the U.S. Department of Energy (DOE), Office of Legacy Management (LM), provided to the U.S. Nuclear Regulatory Commission (NRC) a letter indicating that LM is moving forward with a project to repair the main tailings disposal cell at the Bluewater, New Mexico, disposal site located near Grants, New Mexico. In the letter, DOE requested to coordinate a path forward between LM and NRC and to clarify expectations for NRC's reviews and acceptance of the design of the tailings cell cover.<sup>1</sup> The NRC staff responded to DOE's proposal in a letter dated November 13, 2020, regarding DOE's request regarding the revision to the Long-Term Surveillance Plan (LTSP) and coordination of NRC review points and durations.<sup>2</sup> DOE responded in a letter dated April 16, 2021, regarding NRC review, review durations, and comment response process and requested clarification on three items.<sup>3</sup>

*1. "Acceptance" from NRC regarding the main tailings disposal cell redesign and construction*

In its letter dated April 16, 2021, LM stated, "The November 13 letter NRC states it is not necessary for the NRC to "accept" the revised design separate from or within a revised LTSP. LM's understanding of this is that even with a change to the design of the main tailings disposal cell, both with regard to grading, spillway construction, and cover function, "acceptance" by NRC is not required. Furthermore, that concurrence, or any other formal process by NRC is not required after design completion and before construction begins."

As the NRC stated in its November 13, 2020, letter to DOE, "... it is not necessary for the NRC to separately "accept" the revised design apart or within a revised LTSP, although, ..., the NRC agrees that the subject work is within DOE's maintenance obligations under the current LTSP. Once the project is completed, the DOE should submit to NRC any appropriate updates to the LTSP, including any impacts that the repairs would have on DOE's future reviews and inspections at the site with an explanation of the changes that were incorporated based on the

---

<sup>1</sup> Agencywide Documents Access and Management System (ADAMS) Accession No. ML20269A377.

<sup>2</sup> ADAMS Accession No. ML20290A688.

<sup>3</sup> ADAMS Accession No. ML21106A244.

new cover design. NRC would respond with any questions or concerns to the revisions, as appropriate.” The NRC statement in the November 13, 2020, letter is accurate. The NRC’s review and comment process outlined in items 2 and 3 below is intended to provide for early feedback on the design so potential issues are resolved prior to submission of the revised LTSP.

## 2. NRC review durations

The NRC staff agrees with the following revised proposed review duration and meeting/communication points as proposed by LM in its April 16, 2021, letter:

<b>Document</b>	<b>NRC Review Duration</b>	<b>Meeting/Communication</b>
Project Management Plan	1 month for comment	Halfway point
Alternatives Analysis	4 month for comment	2 weeks after submission Halfway point
Geotechnical/radiological sampling plan (assuming penetrative work into the main tailings disposal cell)	3 months for comment	2 weeks after submission Halfway point
35% design	3 months for comment	2 weeks after submission Halfway point
65% design	2 months for comment	2 weeks after submission Halfway point
95% design	2 months for comment	2 weeks after submission Halfway point
Draft final design	2 months for comment	2 weeks after submission Halfway point
Final design	2 months for comment	2 weeks after submission Halfway point

The NRC staff requests that DOE keep the NRC staff informed about the timing of upcoming submittals and provides, at a minimum, a two-week notice of anticipated submission dates.

## 3. NRC comment response process

The NRC staff agrees with the following process for resolution of NRC comments for each document to be reviewed by NRC as proposed by LM in its April 16, 2021, letter and looks forward to open communication throughout the process:

<b>Activity</b>	<b>Duration</b>
NRC review of document	As designated above
LM and U.S. Army Corps of Engineers (USACE) review NRC comments and prepare comments resolution memo	21 working days
NRC review comments resolution	21 working days
LM, USACE, and NRC comment resolution meeting	21 working days

Thank you for the opportunity to respond to your letter and to provide clarification on NRC's expectations going forward. Please let us know if DOE LM has any additional any additional questions or concerns. The NRC staff looks forward to continuing to work with DOE LM staff to ensure the protectiveness of the Bluewater disposal cell.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions regarding this letter, please contact me at (301) 415-7777, or by e-mail at [ron.linton@nrc.gov](mailto:ron.linton@nrc.gov).

Sincerely,



Signed by Linton, Ron  
on 06/01/21

Ron Linton, Project Manager  
Uranium Recovery and Materials  
Decommissioning Branch  
Division of Decommissioning, Uranium Recovery,  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 040-08902

cc: via Bluewater ListServ  
M. Purcell, EPA  
K. Vollbrecht, NMED  
C. Burrus, OSE

Bluewater, NM. NRC Response to DOE April 16, 2021, Bluewater Disposal Cell Repair Project Proposal  
DATE June 1, 2021

## DISTRIBUTION:

BPham, NMSS/DUWP

PHolahan, NMSS/DUWP

HGepford, R-IV/DNMS/MLDB

REvans, R-IV/DNMS/MLDB

LGersey, R-IV/DNMS/MIB

DOrlando, NMSS/DUWP/URMDB

**ADAMS Accession No.: Ltr ML21131A098**

OFFICE	NMSS/DUWP /URMDB	NMSS/DUWP /URMDB	OGC/GCRPS/RMR /NLO	NMSS/DUWP /URMDB
NAME	RLinton <i>RL</i>	DMandeville <i>DM</i>	AGendelman <i>AG</i>	RVon <i>RV</i>
DATE	May 11, 2021	May 11, 2021	May 28, 2021	Jun 1, 2021
OFFICE	NMSS/DUWP /URMDB			
NAME	RLinton <i>RL</i>			
DATE	Jun 1, 2021			

**OFFICIAL RECORD COPY**