

September 3, 2009

Mr. Christopher Clayton  
U.S. Department of Energy  
Office of Legacy Management  
2597 B  $\frac{3}{4}$  Road  
Grand Junction, CO 81503

SUBJECT: SAFETY CONCERN AND REBURIAL OF LEGACY CONSTRUCTION DEBRIS  
AT THE L-BAR, NEW MEXICO DISPOSAL SITE

Dear Mr. Clayton:

By letter dated August 17, 2009, the U.S. Department of Energy (DOE) submitted a notification of upcoming work at the L-Bar, New Mexico Disposal Site. The letter identified a safety concern and a potential future threat to the long-term integrity of the disposal cell and its diversion channels.

Staff from the U.S. Nuclear Regulatory Commission (NRC) met with DOE personnel at the L-Bar disposal site on August 27, 2009. The purpose of the visit was to identify the safety concern. During the visit, the NRC staff noted the following:

- The identified safety concern does not appear to represent a radiological safety concern as the issue involves an eroded area, which is located more than 500 ft upstream of the tailings disposal cell. Additionally, the integrity of the tailings disposal cell has been maintained. The erosion is similar in nature to what was observed during an NRC site visit on May 6, 2009. As discussed in the site visit report dated June 29, 2009 (ADAMS document ML091750161), it appears that the cause of the erosion is the presence of easily erodible spoil materials placed just upstream of the sedimentation basin. The presence of this material was not known or considered when the license was terminated and the site was turned over to DOE.
- The eroded area could be a safety issue related to trips and falls when accessing the site or within the immediate area of the site.
- DOE and Stoller have prepared a design to address this portion of the site. NRC staff did not have the opportunity to review the design. However, the NRC staff understands that the design includes general site grading, soil compaction, installation of drop structures to reduce erosion potential, and revegetation of the area. DOE intends to begin this work in September 2009.

As the NRC staff has not had the opportunity to review the design, we are not in a position to approve the planned activities. However, given that DOE desires to start construction in September and the protection of the tailings disposal cell is ensured by the presence of several design redundancies related to erosion control, the staff has no objection to the planned activities. In accordance with Section 3.6 of the Long Term Surveillance Plan for the site, please summarize this routine site maintenance in the annual site inspection report.

C. Clayton

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," 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 the 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) 415-7188, or by e-mail at [richard.chang@nrc.gov](mailto:richard.chang@nrc.gov).

Sincerely,

**/RA/ by DMandeville for**

Richard Chang, Project Manager  
Special Projects Branch  
Decommissioning and Uranium Recovery  
Licensing Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 04008904

C. Clayton

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Richard Chang, Project Manager  
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Docket No.: 04008904

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