



Department of Energy

Washington, DC 20585

April 16, 2021

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Deputy Director
Mail Stop T8-F5
Washington, DC 20555-0001

Subject: Department of Energy Office of Legacy Management Response to U.S. Nuclear Regulatory Commission Disposal Cell Repair Project Proposal at the Bluewater, New Mexico, Disposal Site

To Whom It May Concern:

Thank you for the U.S. Nuclear Regulatory Commission's (NRC) letter dated November 13, responding to the U.S. Department of Energy Office of Legacy Management's (LM) letter dated September 23 regarding NRC's reviews and acceptance of the Main Tailings Disposal Cell Repair Project. In the response letter NRC agreed the work to repair the main tailings disposal cell fell within LM's authority at Title II sites to conduct maintenance. NRC also responded to LM's requests regarding the revision to the Long-Term Surveillance Plan (LTSP) and coordination of NRC review points and durations. After reviewing NRC's response LM would like to provide clarification on LM's interpretation of several items. These are listed below with additional detail provided in the remainder of the letter:

1. "Acceptance" from NRC regarding the main tailings disposal cell redesign and construction,
2. NRC review durations, and
3. NRC comment response process

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

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 regards 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.

2. *NRC review durations*

LM appreciates NRC's clarity in the proposed review duration and meeting/communication points. Based upon LM and NRC staff conversations, LM recommends the following revised durations. This would allow for additional NRC review of the alternatives analysis, while shortening the 35% design review. LM considers the alternatives analysis is a critical part of the design process since it presents the various alternatives that were reviewed and

justifies the selected remedy. It is important that all stakeholders agree with the alternative selected since it establishes the basis for the remaining design iterations.

Document	NRC Review Duration	Meeting/Communication
Project Management Plan	1 month for comment	Halfway point
Alternatives Analysis	4 months 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

3. *NRC comment response process*

LM would also like to propose the following process for resolution of NRC comments for each document to be reviewed by NRC:

Activity	Duration
NRC review of document	As designated above
LM and USACE review NRC comments and prepare comments resolution memo	21 working days
NRC review comments resolution	10 working days
LM, USACE, and NRC comment resolution meeting	1 working day

For comments on design documents (35%, 65%, 95%, and draft final designs) comments will be incorporated into the subsequent design iteration document as identified in the comment resolution. Previous design iteration documents will not be resubmitted unless otherwise agreed to during the comment resolution process. Comment resolution durations may be modified as necessary based upon the significance of comments, and the project schedule will be adjusted accordingly.

Thank you again for the prompt response to LM's last letter. If NRC has any comments regarding LM's proposed process for interaction as outlined in this letter, please notify LM. If no response is received within 60 days LM will assume that the proposed process is acceptable and represents a common understanding between LM and NRC. Upon finalization of the initial project schedule, LM will provide NRC with a copy for planning purposes.

LM looks forward to continuing work under NRC's general license at Bluewater to ensure the protectiveness of the Bluewater main tailings disposal cell. If you have any questions regarding this letter, please contact me at (970) 248-6550 or by email at Bernadette.Tsosie@lm.doe.gov. Please address any correspondence to:

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

Sincerely,

**Bernadette
Tsosie**

Digitally signed by
Bernadette Tsosie
Date: 2021.04.16
10:50:13 -06'00'

Bernadette Tsosie
Bluewater Site Manager

cc via email:

Ron Linton, NRC
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