

Albert R. Chernoff, Project Manager
 Uranium Mill Tailings Remedial Action
 Project Office
 U.S. Department of Energy
 Albuquerque Operations Office
 P.O. Box 5400
 Albuquerque, New Mexico 87115

APR 26 1993

Dear Mr. Chernoff:

My staff has reviewed your April 6, 1993, letter which transmitted information regarding tailings mixed with lead and arsenic, that is currently stockpiled at the State Repository in Grand Junction, Colorado. This material was evidently inadvertently mixed during relocation to another area of the repository, resulting in the lead and arsenic being diluted to levels that are below those characteristic of hazardous waste. The Department of Energy (DOE) proposes to dispose of this material in the Cheney Disposal Cell as residual radioactive material.

The information package included a letter from Fred Dowsett of the Colorado Department of Health (CDH) Hazardous Waste Control Program, indicating that DOE's work plan for excavation, storage, and transport of the mixed material was approved, and that the wastes could be disposed at the Cheney site in accordance with the work plan. As stated in correspondence dated January 27, 1993, from the U.S. Environmental Protection Agency (EPA), CDH maintains jurisdiction over Resource Conservation and Recovery Act (RCRA) material under an agreement with EPA. It was CDH's determination that the material is classified as neither RCRA nor mixed waste.

Based on the CDH approval, the Nuclear Regulatory Commission staff concurs that the lead and arsenic material may be disposed at the Cheney tailings cell. In addition, the NRC staff concurs with DOE's conclusion that this material will have no significant impact on ground water or on cell stability. If you have any questions regarding this issue, please contact me at 301-504-3439 or the NRC Project Manager, Daniel Rom at 301-504-2573.

Sincerely, *Original Signed by*
 Myron W. Fliegel *for*
 John J. Surmeier, Chief
 Uranium Recovery Branch
 Division of Low-level Waste Management
 and Decommissioning
 Office of Nuclear Material Safety
 and Safeguards

cc: C. Cormier, DOE, Alb
 J. Deckler, CDH, Den

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