

New York State Department of Environmental Conservation

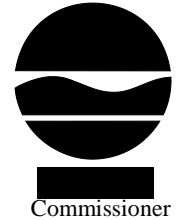
Division of Environmental Remediation

Remedial Bureau A, 12th Floor

625 Broadway, Albany, NY 12233-7015

Phone: (518) 402-9625 • Fax: (518) 402-9627

Website: www.dec.ny.gov



May 15, 2014

[REDACTED]
Department of the Army
Buffalo District, Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207-3199

Re: Guterl Steel ARAR's

Dear [REDACTED]

During the March 27, 2014 monthly FUSRAP conference call the US Army Corps of Engineers requested a list of ARAR's the State believes apply at the Guterl Steel site. This letter is in response to that request. Current State ARARs include 6 NYCRR Part 380 (Prevention and Control of Environmental Pollution by Radioactive Materials) and 6 NYCRR Part 381 (Transporters of Low-Level Radioactive Waste). On the federal level, 10 CFR Part 40 Domestic Licensing of Source Material also applies.

The applicability of 6 NYCRR Part 380 and 6 NYCRR Part 381 was discussed during the Technical Project Planning (TPP) meeting held at the Naval Reserve Center in Buffalo on August 9-10, 2005. Since the metal billets were handled under an Atomic Energy Commission contract and involved processed uranium and thorium metal, the residual material is considered source material under the Atomic Energy Act. This residual material from the former uranium processing operation, therefore, is regulated under 6 NYCRR Part 380 and 6 NYCRR Part 381. As such, this material needs to be disposed of at a facility licensed to accept this category of material and transported using a Part 381 permitted waste hauler.

For the same reason, 10 CFR Part 40 Domestic Licensing of Source Material applies to the residual material at the site.

Please be aware that DEC is currently in the process of drafting NYCRR Part 384(Cleanup Criteria for Remediation of Sites Contaminated with Radioactive Material), which will propose a 25 mRem/year effective dose equivalent clean up limit. Once promulgated (scheduled for 2014), this regulation will also be an ARAR.

If you have any questions, please contact [REDACTED] of this Bureau at [REDACTED].

Sincerely,

[REDACTED]
Director
Remedial Bureau A

cc : [REDACTED]