



## Department of Energy

Washington, DC 20585

September 22, 2014

[REDACTED]  
Deputy Commanding General for Civil and Emergency Operations  
Headquarters, U.S. Army Corps of Engineers  
441 G Street NW  
Washington, D.C. 20314-1000

Dear [REDACTED]:

The U.S. Army Corps of Engineers (USACE) notified the U.S. Department of Energy (DOE) by letter dated August 17, 2005, that USACE had identified unassessed radiological contamination on Vicinity Property H Prime (VP-H') at the Niagara Falls Storage Site (NFSS) near Lewiston, New York. USACE requested that DOE review records of the cleanup of this property to determine if investigation and cleanup was required.

The NFSS and associated vicinity properties are within the original boundary of the former Lake Ontario Ordnance Works, a portion of which was used in support of Manhattan Engineer District and U.S. Atomic Energy Commission activities. DOE designated VP-H' for cleanup under the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1984. DOE removed assessed residual radioactive contamination from this property in 1984 to the extent necessary to comply with remedial action guidelines established for the site. In 1991, DOE certified that radiological conditions on VP-H' conformed to the cleanup standards and listed the property as a completed FUSRAP site.

DOE has reviewed records of site characterization, remediation, and verification, as well as the information provided by USACE and has found that:

- DOE identified numerous small sources during the verification survey in the area of the Contaminated Material Storage Area (CMSA) pads. Several individual biased samples exceeded the cleanup guideline for radium-226, but the average radium-226 concentration was less than the guideline.
- Radioactive slag was found in the area. This material was used extensively in Niagara County for road base and railroad ballast. Officials of the New York Department of Environmental Conservation indicated that their agency was responsible for managing it. If slag was found co-mingled with FUSRAP-eligible waste, it would be removed and disposed of along with FUSRAP waste.
- USACE measured gamma activity in 2005 at levels up to 8 times higher than background in the areas of potential contamination that USACE delineated. These measurements indicated that gamma sources were on the property at levels that may exceed guidelines.
- The radium-226 and total uranium concentrations in USACE sample CMSA 7-0 exceeded the numerical guidelines established for the DOE remediation work at the site. The sample appeared to represent FUSRAP-eligible waste because it contained less uranium than radium-226, which was consistent with uranium-processing residues at this location.



- The radium-226 concentration in sample CMSA Pad 8-0 exceeded the radium-226 guideline for surface soil.
- The USACE measurements did not provide the information needed to determine if average concentrations of radium-226 and uranium exceeded the cleanup criteria for VP-H'.

Article III.B.1.b. of the *Memorandum of Understanding Between the U.S. Department Of Energy and the U.S. Army Corps of Engineers Regarding Program Administration and Execution of the Formerly Utilized Sites Remedial Action Program (FUSRAP)* (MOU) stipulates that for sites remediated by DOE before 1997 (i.e., "completed" sites), DOE "Shall request USACE to conduct additional FUSRAP cleanup in a manner consistent with those procedures described in Article III section D, FUSRAP ELIGIBILITY (NEW SITES)."

DOE concludes that unassessed contamination exceeding cleanup guidelines might remain on VP-H'. Therefore, in accordance with Article III.B.1.b. of the MOU, DOE refers NFSS VP-H' to USACE for assessment and, if needed, remediation.

Article III.D.1.a of the MOU provides that DOE "Shall perform historical research and provide a FUSRAP eligibility determination, with historical references, as to whether a site was used for activities which supported the Nation's early atomic energy program." NFSS VP-H' was previously found to be eligible and was remediated under FUSRAP, and the site was included on the list of Completed FUSRAP Sites in Attachment A of the MOU.

In accordance with MOU Article I.F.13, if USACE concurs that evaluation and, if needed, remediation is required, the status of NFSS VP-H' will change to "active," and all appropriate provisions of the MOU shall apply.

We appreciate USACE's assistance and will continue to work cooperatively with your staff in carrying out the terms of the MOU. Please contact [REDACTED] if you need further information in this matter.

Sincerely,

[REDACTED]

Director  
Office of Legacy Management

cc:

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