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Department of Energy  
Washington, DC 20585

AUG 22 1994

[REDACTED]  
Chief, Bureau of Radiation  
Division of Hazardous Substances  
Regulation  
New York State Department of  
Environmental Conservation  
50 Wolf Road  
Albany, New York 12233-7255

Dear [REDACTED]:

I am writing in response to your letter [REDACTED] June 2, 1994, requesting the Department of Energy (DOE) position on the ownership of radioactive material, classified as byproduct material in accordance with Section 11(e)2 of the Atomic Energy Act of 1954, as amended, currently located at the Seaway Industrial Park. The property is one of four properties in the Town of Tonawanda included in the DOE Formerly Utilized Sites Remedial Action Program (FUSRAP) for remediation of residual radioactive material resulting from operations of DOE, or its predecessors.

Ownership of 11(e)2 byproducts material remains with the property owner until custody has been transferred to DOE. In the case of the Seaway landfill, the ultimate disposition of that material is dependent upon the final remedy selected for the entire Tonawanda site. FUSRAP is presently planning a concurrent review process of all potential alternatives for the Tonawanda site with site stakeholders, including the public, regulatory agencies, and property owners. Therefore, until the selected remedy is implemented, issues dealing with releases of material and monitoring of the properties should be addressed by the owner of the property. However, DOE is willing to provide technical assistance to property owners should they desire to take action in the interim.

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I appreciate your interest in the Tonawanda site and if you have any further questions regarding DOE activities, please feel free to contact [REDACTED]

[REDACTED]

Director  
Off-Site/Savannah River Program Division  
Office of Eastern Area Programs  
Office of Environmental Restoration

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bcc: Booz, Allen and Hamilton, Inc.  
D. Moore, BC-11

Distribution:  
EM-42 (3)  
EM-40 (2)  
Blom Reader

EM- [REDACTED] <sup>255</sup>

[REDACTED] Review [REDACTED] 8/18

Note: GC in OR & HQ have reviewed and commented on le [REDACTED]

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