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Department of Energy

Oak Ridge Operations
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Oak Ridge, Tennessee 37831-8723

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May 31, 1995

██████████
Counsel for Niagara Landfill, Inc.
Browning-Ferris Gas Systems, Inc.
P.O. Box 3151
Houston, Texas 77253

██████████:

SEAWAY INDUSTRIAL PARK - RADIOACTIVE MATERIAL IN GAS EXTRACTION SYSTEM

This is in response to your letter dated February 18, 1995, regarding the impact of radioactive material located within the Niagara Landfill on the operation of a gas extraction system. The property is one of several properties in the Town of Tonawanda included in the Department of Energy's (DOE) Formerly Utilized Sites Remedial Action Program (FUSRAP) for remediation of residual radioactive material resulting from operations of DOE, or its predecessors.

The radioactive material in question is considered to be 11.e.(2) byproduct material in accordance with section 11.e.(2) of the Atomic Energy Act, as amended. Ownership of 11.e.(2) material remains with the property owner until custody has been transferred to DOE. Transfer of custody will occur at the time DOE undertakes the physical removal of the material from the site. In the case of the landfill, the ultimate disposition of the material is dependent upon the remedy selected for all of the properties known collectively as the Tonawanda Site. Until a determination is made that the material is to be removed from the property by DOE, issues dealing with releases of material and monitoring of the property are the responsibility of owners of the property and/or the applicable state regulators.

FUSRAP sites are remediated on a schedule based on the health risk from the radioactive materials on the site, and the availability of funds to accomplish removal and disposal of such materials. DOE is committed to working with the property owners to assure that any 11.e.(2) materials are safely managed until the property is remediated. In addition, the Department is willing to provide technical assistance to property owners if action is required to be taken by applicable state regulators in the interim.

May 31, 1995

[REDACTED]

I appreciate your interest in this matter and if you have any questions regarding DOE activities at the Tonawanda Site, please feel free to contact me at [REDACTED]

Sincerely,

[REDACTED]

Former Sites Restoration Division

cc: [REDACTED], NYDEC