



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

SEP 09 2008

Executive Office

SUBJECT: Notification of Transfer of the Ashland, NY, FUSRAP Sites to DOE for Long-Term Stewardship

Mr. Chris Clayton
U.S. Department of Energy
Office of Legacy Management, LM-40
1000 Independence Avenue, SW
Washington, DC 20585-0002

Dear Mr. Clayton:

The U.S. Army Corps of Engineers (USACE) has completed Formerly Utilized Sites Remedial Action Program (FUSRAP) remedial activities at the Ashland sites; Ashland 1 (including Seaway Area D), Ashland 2, and Rattlesnake Creek located in the Town of Tonawanda, NY in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). USACE previously supplied the U.S. Department of Energy (DOE) with the Site Closeout Report for the Ashland 1 (including Seaway Area D), Ashland 2, and Rattlesnake Creek FUSRAP sites dated October 2006 that was prepared by USACE Buffalo District.

The Site Closeout Report concludes our notification of pending transfer of long-term site responsibilities of Ashland to the United States Department of Energy (DOE) on October 31, 2008. This report has been fully coordinated with the community and the regulators. Letters of concurrence on the remediation of the Ashland 1 (including Seaway Area D), Ashland 2, and Rattlesnake Creek sites dated October 28, 1999 (Ashland 2), September 1, 2006 (Ashland 1), and July 24, 2006 (Ashland 2 and Rattlesnake Creek) from the New York State Department of Environmental Conservation are included in the report. On March 11, 2007, a news release was issued announcing the completion of the site, and the availability of the Site Closeout Report in the Administrative Record. The Site Closeout Report was placed in the Administrative Record located at the Town of Tonawanda Public Library and the USACE Buffalo District Office. On September 13, 2006, a news release was issued announcing the September 14, 2006 ceremony commemorating the completion of remedial action at the Ashland sites.

The Site Closeout Report for the Ashland 1 (including Seaway Area D), Ashland 2, and Rattlesnake Creek FUSRAP sites includes a declaration of response action completion stating that the response action is complete in accordance with the Record of Decision (ROD) signed on April 20, 1998 and Explanation of Significant Differences (ESD) issued on September 20, 2004. The ROD determined that Title 40, Part 192 of the *Code of Federal Regulations* [40 CFR 192] and Title 10, Part 20 of the *Code of Federal Regulations* [10 CFR 20] were applicable or relevant and appropriate requirements (ARARs) for the Ashland sites. It was further determined, based upon the expected distribution of radiological contaminants of concern (COCs) in the soil at the sites, that if soil containing more than 40 picocuries per gram (pCi/g) thorium-230 (Th-230) was removed from the Ashland sites, the residual concentrations of the other COCs at the sites would be low enough to insure compliance with 40 CFR 192 and 10 CFR 20 and would be protective of human health and the environment. During remedial operations at Ashland 2, USACE discovered MED-related contamination in Rattlesnake Creek. Further investigations revealed that the distribution of COCs in the sediment of the creek

SUBJECT: Notification of Transfer of the Ashland, NY, FUSRAP Sites to DOE for Long-Term Stewardship

was different than the distribution of those COCs in the soils at the Ashland sites. In order to achieve residual radiation values and doses for Rattlesnake Creek which were consistent with the values obtained for Ashland 1 and Ashland 2, USACE developed site-specific derived concentration guidelines (DCGLs) for radium-226, thorium-230, and uranium-238, listed in Table 1 of the Site Closeout Report (October 2006), for use in the field during the remediation of the Rattlesnake Creek area.

The remedial action at Ashland 1 and Ashland 2 generally consisted of excavation of between 4 and 7 feet below ground surface, although excavations at Ashland 1 were slightly deeper than Ashland 2. Rattlesnake Creek was a shallower dig since the material was deposited by sedimentation, with a vast majority of the excavations being less than 3 feet below ground surface. Materials from Ashland 1 and Ashland 2 were transported to the International Uranium Corporation (IUC) in White Mesa Mill in Utah. Materials from Rattlesnake Creek were disposed of at US Ecology in Idaho.

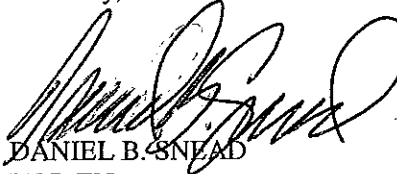
Two post-remedial dose assessments were conducted for the sites using the measured residual concentrations of COCs. The projected future use of the site is commercial/industrial; however, a conservative urban resident scenario was used for modeling purposes. Drinking water was assumed to be provided by a municipal source. The residual dose for Ashland 1 was 7.1 millirem (mrem) including background. The combined Ashland 2 and Rattlesnake Creek residual dose was 4.7 mrem independent of background. Modeling confirmed the ROD and ESD criteria were achieved.

A five-year review for this site is not necessary because the source of contamination was eliminated and the site has been released for unrestricted use. There are no land use controls or operations and maintenance requirements for the Ashland sites. Based upon the results of the remedial action, there are no long-term stewardship responsibilities associated with this site other than records management, and, therefore, there are no Stewardship Plans/Work Plans associated with this site. Additionally, based upon the final status surveys, USACE is not aware of any current statute or regulation restricting the disposal of site soils on the Ashland sites addressed under FUSRAP, due to radiological constituents from Manhattan Engineer District (MED) activities.

USACE began short-term stewardship of the Ashland FUSRAP sites on October 1, 1999 in accordance with the terms of the Memorandum of Understanding between the USACE and the DOE. This stewardship will continue until October 31, 2008, at which time the long-term stewardship responsibilities were to be transferred to DOE. To conclude USACE responsibility and officially transfer long-term stewardship responsibilities to DOE, USACE previously supplied DOE with an electronic copy of the complete Ashland Administrative Record and Permanent Record files.

If there are any questions regarding this letter, please contact the USACE Buffalo FUSRAP Program Manager, Mr. Jim Karsten, at 716-879-4245.

Sincerely,



DANIEL B. SNEAD
LTC, EN
Commanding

CC
Michael Widdop (SM Stoller Corporation)
Ron Church (USACE LRDOR)
Suzanne Beauchamp (USACE HQ)